



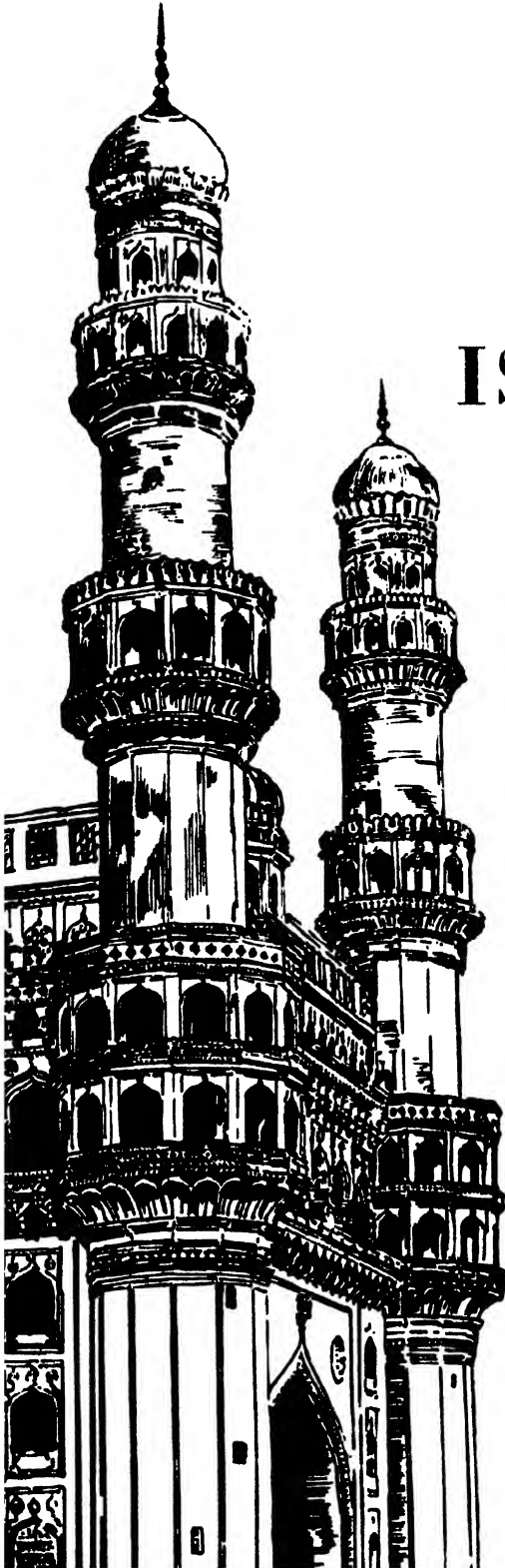
[And say : My Lord ! Increase me in knowledge]

ISLAMIC CULTURE

An English Quarterly

Vol. XV, No.

April, 1941



PUBLISHED BY
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HYDERABAD, DECCA

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ANNUAL SUBSCRIPTION: Inland Rs. 8/-, Foreign 16 sh., including registered postage. Single or Specimen copy Rs. 2/4/- (Inland) and 4 sh. 6 d. (Foreign). Back numbers from Vol. I to X @ Rs. 10/- a volume.



[*And say : My Lord ! Increase me in knowledge.—Qur'ân*]

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SIR EDWARD DENISON ROSS

WITH the death of Sir Denison Ross at Istanbul on the 20th of September Oriental Studies have sustained a further great loss. Born as the son of the Revd. Dr. A. J. Ross, vicar of St. Philip's, Stepney on the 6th of June 1871, he was educated at Marlborough and University College, London, and continued his studies of Oriental languages at Paris and under my old master, Nöldeke, at Strassburg. In 1901, he went to Calcutta as principal of the famous Madrasa, founded by Warren Hastings as the first institution of its kind in India. He held this post till 1911 having in 1906 been appointed to the additional post of Curator of Records of the Indian Government, a post which carried the rank of Assistant Secretary in the Department of Education. During this time, he published the Persian correspondence between Indian princes and the successive governors of Bengal, Clive, etc. Among other publications, was a polyglot dictionary of bird names in Turkish, Manchu and Chinese and an anonymous treatise on the names of ancient Arab horses which was printed privately. When he came back to England in 1914, he was made Assistant in the Department of Prints and Drawings of the British Museum having the Oriental Section under his care, and he was at the same time professor of Persian at London University. Through the endeavours of Sir Charles Lyall and other prominent Oriental Scholars, the School for Oriental Studies in London was inaugurated, and Ross was appointed its first director, a post which he held till summer 1937. His charming manner and great gift for organisation proved a signal success and in spite of entirely insufficient Government financial support, he gathered round him a competent staff and brought together from practically nothing, a comprehensive library which was made available without the antiquated restrictions of other institutes, like the British Museum, also to scholars who were not immediately connected with the School for Oriental Studies and I for one take this opportunity to express my thanks publicly.

He had a remarkable gift for acquiring languages and though he never himself made such a claim, he was in the daily press often called the greatest living Orientalist as he not infrequently contributed popular articles on Eastern topics. He was an indefatigable worker, but present circumstances make it impossible for me to enumerate all his publications. In collaboration with the late Ney Elias, he translated the *Tārīkhī Rashīdī* by Mirzā Haidar Dughlāt who was a cousin of the first Moghul Emperor, Babur. The facsimile edition of the third volume of the *Jāhān Gushāy* of Juwainī published by him in 1931, is now superseded by the printed edition by Mirzā Muḥammad Qazwīnī on the basis of several manuscripts. The small manual of Eastern Turkish, with dialogues suitable for travellers edited in conjunction with R. O. Whingate, was intended more for practical use than as a scientific study. In 1927, he published the *Tārīkhī Fakhr-ud-Dīn Mubārakshāh* which describes the adventures of the family of the Gujerat king, Behādur Shāh and throws light upon the Portuguese power at that period in India. Besides this, he wrote, as already mentioned, frequent articles on Oriental subjects which made him known to a wider circle of the general public. At the beginning of 1940, he was sent to Istanbul as head of the British Information Bureau in Turkey, a mission which proved fatal to both him and Lady Ross who died there on the 16th of April. She was a daughter of the late Mr. W. T. Robinson and their marriage took place in 1904. She was a very versatile lady and had kept a diary in which she made records of all prominent people whom they had met on their many journeys in foreign lands.

Ross was knighted in 1918 and many honours were bestowed upon him. His interest in scientific and political life will be greatly missed.

F. KRENKOW.

A MUSLIM POLITICAL THINKER OF THE NINTH CENTURY A.C.; IBNI ABI'R-RABI'

INTRODUCTION

IT is only recently that attention has been drawn to a scientific study of the political thought of the early Muslims and even they have been dealt with by the Moderns more as writers on ethics and philosophy than as political thinkers. This does not surprise us much. Political philosophy and the science of administration were not known as such in the West till comparatively recent years, and the Europeans of the XVI and XVII centuries, when a study of these sciences began to take shape, were either too ignorant of political thought among the Mussulmans or were too prejudiced against the Muslims to have any clear vision of the services rendered to humanity by their religion and specialised culture. As a matter of fact while the period between the fall of Rome in 476 and the rise of Charlemagne more than 300 years later was a dark spot in the history of the West, where civil wars, religious intolerance and almost utter lack of government were the order of the day, among Oriental peoples it was an era of enlightenment, orderly progress and the enjoyment of the best God had given to man. This progress steadily went on both in mundane and spiritual spheres for another five hundred years, and Alhazen, Rhazes, Avicenna and Averroes became household names in Europe as some of the foremost thinkers of the world. But it was only natural that such as had written on administration should not have much of a following here, as political science had not yet drawn their attention and learned men who ought to have known better, wrangled on the puerile concepts such as whether God had been crucified in the person of Christ by the legate of the Emperor of Rome!¹

No doubt a certain amount of incentive was given to Muslim thought by the translations of Greek authors into Syriac and Arabic in the time of the early Abbasids, but the immediate influence of these translations might easily be exaggerated. As has been said elsewhere, the Arab world

1. This was one of the arguments levelled against the upholders of the supremacy of the Papacy by the Imperialists and is found in Dante : *De Monarchia*, Bk. II.; see Pollock : *History of the Science of Politics*, ch. 2.

was not cognisant of Aristotle's work on "Politics" while the other political work ascribed to him, namely "The Constitution of Athens," has been unearthed only in our own time, and the only Greek thought on political matters consisted of Plato's *Republic* and *Laws*.¹ The early Muslim writers on politics no doubt drew a certain amount of inspiration from the translations; but we must remember that the thought itself, with its multitude of illustrations from Persian, Arabic and Indian sources, was purely Oriental in essence, and the time had not yet arrived for the westernization of thought at the hands of Muslim thinkers of the West such as Ibn-i-Bājjah, Ibn-i-Ṭufail and Ibn-i Rushd.²

There is a third point which we have to bear in mind. The divorce of ethics from politics with such disastrous effects for the world did not become the fashion till after Macchiavelli had made politics the purely mundane, material science that it now is. The early Muslim writers could not even think that a study of political science was at all possible without setting a strong ethical background for the action of the rulers or that any country could be successfully administered without the salutary effect of the interaction of administrative with ethical principles.

THE BACKGROUND

HERE we will deal with "the earliest philosophical treatise" by a Muslim, in which are couched the principles of politics and administration.³ The work in question is called *Sulūku'l-Mālik fī tadbīrī'l-Mamālik* and is by Aḥmad b. Muḥammad b. Abī'r-Rabī', surnamed *Shihābu'd-dīn*, compiled, it appears, by the order of the eighth Abbasid Caliph, Mu'taṣim, the son of the great Hārūn'r-Rashīd and the successor of his own brother Māmūn.⁴ This was perhaps the most resplendent period of the Abbasid Caliphate, and the lustre of Hārūn's epoch coupled with the progressive and highly erudite atmosphere of Māmūn's reign, that had made Baghdad the centre "not only of the Muslim world but of the world at large."⁵ The State was then the home of such intellectual giants as the traditionist Bukhārī, the historian Wāqidī, the legist Aḥmad b. Hanbal, one of the four great Imāms of Sunnī jurisprudence, the Shi'ite Imām 'Alī-ar Riḍā

1. See Shērwanī : *Al-Fārābī's Political Theories*, Islamic Culture, 1938, p. 292; Rosenthal : *Plato's Philosophy in the Islamic World*, I. C., 1940, p. 411.

2. Ibnī Bājjah ('Averpace') of Saragossa, died 1138; Ibnī Ṭufail of Guadix, died 1185; Ibnī Rushd ('Averroes') of Cordova, died 1193.

3. Thus in Brockelmann : *Gesch. d. arab. Litteratur*, I, 209.

4. Hārūn, 786-808; Māmūn, 813-833; Mu'taṣim, 833-842. Name of the work, *Way of the Ruler and the Government of the State*. The book has been lithographed at Cairo, 1286 H. and 1329 H. Ref. Brockelmann I, 209; Ḥājī Khalfah : *Kaṣḥfu'z-ẓunūn*, No. 7239; *Cat. of the Bibl. Nation.*, No. 2448; Goldziher : *Abh.*, I, 66.

5. Weil : *Gesch. d. Chalifen*, II, ch. on Mu'taṣim, pp. 295-336, Urdu tr. by Prof. J. Rehman, "An-Nāẓir," Lucknow, Jan. and Febr. 1937.

and the poet Abū Tammām, besides such non-Muslims as Ḥunain b. Ishāq el-'Ibādī and Jurjīs b. Bakhtishū', both of whom were prominent in making the Greek system of medicine known to the Oriental world. Just before Māmūn's death in 217/833, was founded the Baitu'l-Ḥikmat or 'the House of Wisdom,' and it was under its roof that most of Plato's and Aristotle's ethical and philosophical works were done into Arabic. It was thus six hundred years before the Classics became a source of inspiration to Europe that the first rays of their revived form became visible in the East, rays which were to illumine the West by the Latin translations of Arabic renderings of the Greek and Alexandrine writers.¹

ADMINISTRATION

THE system of government in Mu'taṣim's time had not been elaborated to the extent reached some years later, still it was already fairly complicated. The ministry or Dīwānu'l-'Azīz was divided into a number of departments such as the Dīwānu'l-Kharāj, (Revenue Department), Dīwānu'l-Jund, (Army Department), Dīwānu'sh-Shurṭah (Police Department), etc., while the Caliph al-Mahdī inaugurated the appointment of a Ḥājib or Lord Chamberlain, whose chief function consisted in introducing foreign ambassadors and other representatives to the Caliph and performing other duties of a like nature. As regards the judiciary, there was a Qāḍi'u'l-Quḍāt or Chief Justice at the capital, with Qādis and 'Ādils interspersed throughout the State, and it was regarded as of the utmost importance that these should be entirely independent of the Executive in all their actions and judgments. It was a matter of principle that the 'zimmī' or protected non-Muslim sects were entitled to have their own civil suits adjudged by their own judges without any governmental interference, while criminal cases in which any citizen of the State, Muslim, or non-Muslim, was arraigned, went to the Sāhibu'l-Mazālim functioning under the Department of Criminal Justice, which was presided over by the Caliph himself.²

In the Islamic State, as had already developed, there was to be seen an almost perfect religious and racial toleration such as was not to be met with in the Western world for a millennium to come. Mu'taṣim was himself a man of a strong character, and it was no doubt his aptitude for ruling a vast empire that made Māmūn appoint him his successor to the exclusion of his own son 'Abbās, a feature rarely to be met with in history. Although at constant war with the Christian Byzantine Emperor, Theophilus, Mu'taṣim's court was open to men belonging to all races and professing all religions alike. His first Prime Minister was a Christian Fadl b. Marwān and he kept the Nestorian Christians more or less in charge of the

1. For a general discussion of the translations see O' Leary : *Arabic Thought*, London, 1922, ch. IV.

2. See Shērwanī : *Some Precursors of Nizāmu'l-Mulk Tūsī*, I.C., 1934, p. 15.

Academy of the Baitu'l-Hikmat. He was the upholder of perfect equality of the races inhabiting his vast empire and promoted those belonging to the Turkish race, such as Afshīn, Itākh and Ashnās, with the result that he came to be hated by those of his own kith and kin, and he left Baghdād, the centre of Arabic culture, for a new capital at Sāmarrā rather than bow to the racial communalists of the capital. We can well realise the extent of the toleration shown by him when we know that his next-door neighbour, the Emperor Theophilus, the upholder of a theology which "made him a stern bigot," and a religious maniac and who did not allow anyone in his dominions to worship images, even to the extent that his own wife, the Empress Theodora, an image worshipper herself, had to pretend to her husband that the images in one of her rooms were only dolls, when he once chanced to see them! Theophilus was so intolerant that he had a famous painter of religious subjects imprisoned and flogged, and put under the rack monks who dared to act against his edict prohibiting any display of public worship.¹

In spite of his broadmindedness, however, Mu'tasim could not tolerate any attempt at insubordination or revolt, and laid his heavy hand on any recalcitrant however influential and powerful he might be. He put down without much concern, the rising of Babek Khurramī who wanted to upset the prevalent social system and establish a kind of nihilist communism, and later, when he knew that his own military commander, for whom he had done so much, the Turk Afshīn, was in league with his enemies and was really a hypocrite at heart, he forgot all the services he had rendered to him, and had him forthwith imprisoned.

WHEN DID IBNI ABI'R-RABI' WRITE ?

BEFORE dealing with the work proper it is better to discuss in short compass the question of the period in which the author wrote. This is necessary as some doubt has been cast whether such a compendious work, complete in all its details, could have been composed as early as Mu'tasim's reign. While the German Arabicist, Brockelmann, is not able to specify the exact period of the author and only says that "it is really a much later work" than Mu'tasim's reign.² Jurjī Zaidān, the well-known Christian author of modern Egypt, is more explicit in assigning the work to Musta'shim's period. He gives the following reasons for his surmise:³

(1) The whole work is compiled in the form of columns and tables much after the fashion of genealogical trees and is perfect to a fault, showing a completeness not possible for one who preceded the philosophers al-Kindī and al-Fārābī.⁴

1. Theophilus, Emperor of Byzantium, 829-842. For these and other curiosities see Finlay: *History of Greece*, II, 142-160.

2. Brockelmann, *op. cit.*

3. Jurjī Zaidān: *History of Arabic Literature* (in Arabic), Cairo, 1911, II, 214.

4. Al-Kindī, died about 873. Fārābī, 870-950.

(2) The name *Shihābu'd-dīn* is not found in histories and encyclopædias of the Abbasid period before Ibnī Nadīm's *Fihrist* which was completed in 338/950.

(3) It is probable that the name of the Caliph was mixed up and the work was compiled not in Mu'taṣim's but in Musta'sim's reign, so that it was antedated by a careless scribe by more than 400 years.

Taking the first point first, it has already been mentioned that a large number of the ethical and philosophical writings of the Greeks had been rendered into Arabic both by independent agencies and under the ægis of the Baitu'l-Ḥikmat under Hārūn and Māmūn, and an impetus had been given to independent thought thereby. Moreover we know that al-Kindī was old enough in Mu'taṣim's reign to be the tutor to the Caliph's son, and our author must have breathed in the same erudite atmosphere as the one surrounding the better known philosopher. It is almost an insult to the period following 'the Augustan age of Arabic thought' such as the reign of Māmūn has been dubbed to say that it could not produce the compendium which has been attributed to it. As far as the epithet '*Shihābu'd-dīn*' is concerned, Jurjī Zaidān rightly says that such names are not met with in the early years of the Abbasid dynasty, but we should remember that our author's name was Muḥammad, and *Shihābu'd-dīn* and cognate phrases were originally not names at all but were rather meant as laudatory epithets which might have been added later by a scribe who knew the worth of the writer. This epithet means 'the Meteor of the Faith,' and it is just possible that as our author's fame was eclipsed by thinkers who came after him, a well-meaning friend might have likened him to a meteorite. We should not conclude in any case that there was no such person as Muḥammad, son of Aḥmad, son of Abi'r-Rabī' in Mu'taṣim's reign simply because a certain laudatory epithet appears along with his name.

We now come to the last point in Zaidān's argument, that it is possible that the name Mu'taṣim might have been mixed up with Musta'sim, as in Musta'sim's reign names like *Shihāb-ud-dīn* had begun to appear.¹ Now, as we are aware, while Mu'taṣim's reign was the azimuth of Abbasid glory, that of Musta'sim was its nadir, the dynasty—and the Caliphate—disappearing entirely through the lethargy and indolence of the Court, the machinations of the traitors and power of the Hulāgū. Musta'sim's was hardly the time for the analysis and construction of ethical, military and political principles by a distinguished thinker like our author. Then we have the very definite internal evidence that the author was commanded to compile the work,² and while describing the command the author says that it was his good fortune that his master, Mu'taṣim had the qualities of an ideal monarch and knew how to utilise these qualities to the best advantage. That was, says the author, why many nations and countries had bowed down to him, wars had ceased, ignorance had disappeared,

1. Musta'sim, 1226-1242.

2. *Sulūk*, Preface, p. 3.

giving place to knowledge, and no one dared to tyrannise over others.¹ This could hardly be a description of Musta'shim's reign, while it was a very apt description of conditions prevalent in Mu'tašim's time. More than that, when dealing with the necessary requisite of a good wazīr, he says that it was God's Grace that a man had been made their wazīr whose language led the linguists of the Arabic speaking world by the nose-strings.² Now we are fully aware that Mu'tašim's last wazīr, Ibni Zayyāt was distinguished for his great learning in the language and literature of the Arabs and that he had risen from the ranks by dint of sheer ability and hard work, remaining wazīr right up to the accession of Mutawakkil. There can thus be no doubt that the work with which we are dealing belongs to Mu'tašim's reign, i.e., to the early part of the 3rd century A.H. and not to the 7th century A.H. where Zaidān puts it.

We now come to Brockelmann. In the first volume of his great History of Arabic Literature, he definitely says that "the work is the first Islamic political writing that we possess," but later he is startled to find a close parallel with a number of later works such as the Neo-Pythagorean Oikonomikos, Ibni Butlān's *Taqwīmu's-Sihha* and the *Akh̄lāq-i Mushajjar* (written in 655/1256), coming to the conclusion that the *Sulūk* is a much later work.³ He gives a list of manuscripts of the work found in Leiden, Naples and Istanbul, and it seems that all these agree with the script in the two printed editions of the book in ascribing the period to Mu'tašim's reign. Against this definiteness, the mere fact of their being certain later "parallels," should not lead us to the conclusion that the work was a copy of these "parallels," for, equally well they might easily have been copied from portions of the *Sulūk*. It is perhaps these considerations which make Brockelmann undecided about his conclusion, for even in his supplement he does not contradict his earlier assertion that the work is definitely "the first Islamic political writing that we possess."

Taking all these points into fullest consideration, along with the internal evidence produced above, one is bound to come to the conclusion that at least the politico-ethical parts of the work were compiled in Mu'tašim's reign, and thus it takes precedence over Fārābī's works on political theory by many decades.

SUBJECT-MATTER

Man among other creatures

TO quote Zaidān, the Compendium "is of great utilitarian value, dealing with politics, sociology, philosophy, physics, mathematics and

1. *Sulūk*, 22.

2. *Ibid.*, 124.

3. Brockelmann : *Gesch., d. arab. Litt.*, erster Suppl., 1927 ; p. 372.

music, and is divided into four parts namely, (i) Introduction ; (ii) Principles of Ethics and its subdivisions ; (iii) The significance of human wisdom and its regulation ; (iv) Politics, its divisions and its organization. All these topics are further subdivided into chapters, and their enunciation and rules are described in columnar form or tables in the best of style."¹ A fourth of the work deals directly with political principles and nearly another fourth with the principles of human organization.

Our author begins his work with the position of Man among other living creatures. He says that every being that God has created, falls into one or other of two groups, the higher and the lower, and it needs no demonstration to show that the existing has preference over the non-existent, the living over the non-living and those who know over those who do not know, while those endowed with the power of movement, intention and will are definitely superior to those who are not. Of all creatures, Man is the only one who is possessed of all the superior complexes here enumerated, along with a faculty which is not shared by any other creature, and that is the faculty of the keen perception of probable consequences. He is endowed with thought and judicious discretion and chooses what he feels is best. He tries to attain the highest station in life possible and succeeds in his attempt whenever he does not deviate from this sense of judicious discretion and perception of consequences, and whenever he is not overpowered by his evil desires.²

THE SOCIAL NATURE OF MAN AND ITS CONSEQUENCES

MAN being a thinking animal, has naturally two chief faculties, the thinking faculty and the animal faculty, and his whole being is in a way suspended between the two, sometimes swaying towards one and sometimes towards the other. As an animal, he prefers a quick satisfaction of his desires, while his thinking faculty leans towards the best possible consequences of his actions. It is obvious that, when the *differentia* between Man and other living creatures is just this thinking faculty based on human commonsense, Man without it would be no better than an animal.³

Now, this thinking, foreseeing animal called Man is so created that he cannot fulfil his wants by himself and needs others' help for the purpose. A carpenter wants certain of his necessities to be made by the blacksmith, the blacksmith needs help from workers in mines, the latter from labourers and so on, so that every industry is a complement of the other. If man had been able to satisfy all his wants by himself there would have been no need for mutual help and co-operation, and it is really this action

1. Zaidān, II, 215.

2. *Sul.*, 7.

3. *Ibid.*, 24. Compare this idea of Man being a *thinking* animal with Aristotle's definition of his being a *Political* animal in his *Politics*, I, 8.

and interaction of wants which fixes wages, prices, profit and loss and all other economic phenomena.¹ Moreover, from the nature of things, besides manufacturers and wage-earners, no one can lead a self-sufficient life, and apart from marital relations² every individual is dependent on a host of other individuals. It is, therefore, necessary for them to gather together in groups so that mutual help and intercourse should be facilitated. God has, therefore, created in Man a sense of liking for his fellow-man as well as strong leaning towards collective action.³

Gatherings of the population of a country are of two kinds, rural or agricultural and urban. The importance of the rural units is said to be that they provide food for the whole population of the country, and are, therefore, its mainstay. Agriculture, according to our author, predicates three important rights of those who are engaged in it, namely that they should be provided with plenty of water, they should be free to carry on their work without let or hindrance and should be taxed lightly according to the scale laid down by the Law. The rest of the population lives in towns or cities, and is thereby assured of a peaceful life, safety of their property and the honour of their womanhood. Moreover by living together their needs are easily satisfied, while they have a chance of increasing their earnings by mutual co-operation. Just as plenty of water and low taxation are the desiderata of the rural population, so a good locality, plenty of air, water and fuel, a city wall and a sense of safety from a possible external foe are all necessary for the upkeep of the urban section of the population, and if any of these conditions were missing, the town or city would be in a great danger of devastation.⁴

THE PLACE OF POLITICS IN THE SCHEME OF HUMAN KNOWLEDGE

WE have now come to the threshold of Politics proper. Our author deals at some length with the division and subdivision of human knowledge covering practically all the sciences and arts that were known in his day, demonstrating his great power of analysis. He begins by dividing the scope of human wisdom into theoretical knowledge and practical application. He then redivides theoretical knowledge into (i) higher, which has its basis in the brain and deals with purely metaphysical subjects; (ii) middle, centered in memory and dealing with mathematics, literature

1. *Sul.*, 75. Compare this analysis of Man's rise to the citizenship of the State with *Ghazzālī's* analysis as given in the *Ihyāu'l-'Ulūm*, III, 6, v; see also *Shērwanī*: *Al-Ghazzālī on the Theory and Practice of Politics*, I.C., 1935, p. 450; *Shērwanī*: *Islamic Political Thought*, a paper read at the VIII International Congress of Historical Sciences, Zurich, 1938, *Communications présentées*, II, 445; *Ghazzālī*, 1058-1111.

2. A complete analysis of human marital relations is sketched in *Sul.*, 80 & 81.

3. *Ibid.*, 75.

4. *Ibid.*, 118. Aristotle fails to make this distinction between the urban and the rural, which is the essential condition of the life in a State, ancient or modern.

and linguistics and (iii) lower, relating to the Natural Sciences and based on feeling. It is under the heading of Middle Knowledge that he puts the knowledge of facts and happenings in bye-gone days, of the deeds of kings and their policy and of the states and their evolution, which is connoted by the term, History. When we pass on to the application of theoretical knowledge to practical needs, or actions as opposed to sciences proper, we see that these are subdivided into (i) control over one's self and one's body, (ii) control over the household, (iii) control over other persons. This third division of Actions connotes what we mean by Politics, and this is said to be the need of Man so long as he is alive.¹

It will thus be seen that to our author, History is to knowledge in general what Politics are to application and action, and the former is treated as a necessary complement to the latter, for the great officers of the State, the ruler, ministers, royal chamberlains and judges are all admonished to study History in order that they may know their position, their rights and duties in the light of the action of their predecessors in title in the past.²

SOVEREIGNTY AND THE IDEAL SOVEREIGN

ONCE granted the need for a corporate life and action, one great difficulty is bound to arise, and it would be produced by each individual having his own particular way of doing justice and exercising oppressive behaviour in certain cases according to his own whims and fancies. It is, therefore, the Will of the Divine Providence that Heads of Society should be appointed to see that the Divine Laws for organization of the people and their unity of action are properly enforced.³ In course of time larger political entities are organized and evolved and a number of these headships are united into one large headship, the head of which unites in himself some of the highest human qualities, through the exercise of which he manages to control these smaller political entities.⁴

It is absolutely necessary that the ruler of a State should be the best among the people and he should be supreme in the land, for, if there are more than one supreme ruler in the land, it is bound to entail constant quarrels between the pseudo-sovereigns, and the whole State would be in a great turmoil.⁵ In order to ensure peace and prosperity in the land,

1. *Sul.*, 61. This is in advance of Ghazzālī who divides all sciences into those connected and those unconnected with religion; Ghazzālī; *Munqidh*, 15. It is rather strange that Pollock divides 'Moral Sciences' under 'Knowledge' and 'Action' much after the fashion of the *Sulūk*; see his *Hist. of the Sc. of Pol.*, I, 4.

2. *Ibid.*, 105, 126, 129.

3. *Ibid.*, 102. Compare, Locke: *Treatises on Civil Government*, II, ch. 2, where the pre-statal man is supposed to have the right to punish the transgressors of the Law of Nature.

4. *Ibid.*, 10. Compare Ibnī-Khaldūn's theory of a number of group-minds merging into a single group-mind. *Proleg.*, II, 1.

5. *Ibid.*, 103. Whatever may be the origin of the modern theory of a mono-sovereign state, there is little doubt that the early Muslim thinkers followed the idea of the Divine Oneness and the Qur'ānic dictum: "Had there been other deities therein besides the one God, then verily both (the heaven and the earth) would have been utterly disordered." (Qur'ān, xxi, 22).

it is, therefore, of the utmost importance that all the citizens should obey the sovereign's orders and be helpers, not antagonists in his effort at national unity and the organization of the material resources of the country.¹

Our author is not content with saying that the ruler should be the best among the people but he actually recounts thirteen perquisites which should be native to the ideal ruler, and among these are to be found physical and mental superiority, love of knowledge and truth, and the ruler should at the same time be a lover of justice and hater of tyranny and oppression, while he should consider this life only a passing phase and live for the sole desire of doing good to his people.²

Naturally such a superior and benevolent sovereign would be different to the autocrats who govern their subjects with the sole desire of making their own lot happy at the expense of their subjects. The work recounts the ways in which the ruler should deal with his subjects, and the first and foremost thing is that he should make the citizens love and not merely fear him, so that obedience to him should be based on natural inclination and with the sincere belief that obedience to the Law is good for them all.³ This is only possible if the ruler holds himself aloof from such qualities as greed, pride, vice, unscrupulousness in the fulfilment of his desired laziness, etc., and has the power to face difficulties and hardships, practise forgiveness and do justice at all costs.⁴

JUSTICE

THIS book deals with the principles of justice in all its aspects. Justice is defined as the condition of the correctness of the locus of all actions and is based on the happy means between the thinking faculty and the animal nature in Man. It is a function of government which is on a higher plane than other functions for, says our author, there is a consensus of the opinion of men belonging to entirely different ways of thought about it, and there is not one who doubts the need of its efficacy and integrity.⁵ It

1. *Sul.*, 104.

2. *Ibid.*, 11. Although our author says that in order to ensure orderly succession, the Headship might be made hereditary, still this is only a secondary consideration, the primary being the qualities necessary to make a good Head.

3. *Ibid.*, 107.

4. *Ibid.*, 109.

5. *Ibid.*, 116. We should remember that Plato's whole burden of argument in the *Republic* is the foundation of the ideal City on the basis of Justice. See Chance: *Until Philosophers are Kings*, London, 1938. But the course of European History has been towards a minimization of the importance of Justice owing to the increased importance attached to the continuous quarrels between the ruler and the people till justice began to be influenced by the one or the other. That is why we see on the one side the scene of judges being dictated by Kings, on the other being 'protected' by Parliaments. Ibnī Abī'r-Rabī' is fully conscious of the importance of an absolutely impartial and independent judiciary.

consists in placing everything in its proper place and giving everyone his due. Justice entails a system of rights which are threefold, i.e., rights due to God, those due to living and those due to the dead. So far as the rights due to the living are concerned, they consist in such duties as returning the amount of debt due, handing back to the owner things put into someone's safe custody giving correct and proper evidence, and doing good deeds.¹ The ruler is equally bound to do what is just, and justice in his case consists in keeping of promises, being merciful, and giving everyone his share according to the Laws which have been made for the country under his sway.²

We all know the qualities which are deemed necessary for a judge in the modern world, but we also know fully well that in spite of the very salutary premonitions our judges sometimes lack the integrity and freedom from outside pressure which ought to be their chief merit, and we are forced to surmise that there is something lacking in the standard set for the appointment of our judges that they should go so astray. We might compare this standard with that set by our author more than a thousand years ago, and one feels on reading what he has to say that if the standard of justice in force during the early Abbasid period was even half of that set down in the *Sulūk*, it must have been of a very high order indeed. Our author says that :

(1) A Judge should be God-fearing and at the same time should have a dignified demeanour ;

(2) he should have sound commonsense and be conversant with the best of judicial literature ;

(3) He should bear an absolutely irreproachable character ;

(4) he should not deliver judgments before he is satisfied that full proof has been laid before him, nor tarry in his judgment when sufficient evidence has been produced ;

(5) he should be fearless in awarding what is right and due ;

(6) he should not accept any presents nor hear any recommendations ;

(7) he should never see any party in private ;

(8) he should rarely smile, and speak little ;

(9) he should never ask any party to do him any favour ; and

(10) he should take great care to protect the property of the orphans.³

1. *Sul.*, 116.

2. *Ibid.*, 117. It is clear from a number of passages in the book that the author has in his mind a system whereby the ruler does not possess the power to frame the laws but where the laws reach him readymade. He is therefore not an autocrat in the present sense but his powers are limited by those superimposed laws.

3. *Ibid.*, 130.

REVOLUTIONS

SO much for the perquisites of an efficient and lasting administration. But of course government is an institution run by human beings and as such is liable to inefficiency and decay, leading to revolutions. The book deals with this aspect of the case and analyses the causes of internal turmoil as well as the conditions of a return to peace. He says that sedition is committed when a man turns his back on the principles which formed the basis of his loyalty to the ruler,¹ and this is regarded as a perversion of the thinking faculty of Man.² He quotes the supposed reply of a philosopher to the question put to him by a Persian King, why internal disorders took place and how they are to be ended. The philosopher said that the causes of internal turmoil were five, namely: (i) Carelessness of those who had power coupled with the realisation of powerlessness by those who had not got it. (ii) Sheer love of disturbance on the part of some subjects. (iii) Love of power on the part of the ambitious. (iv) Courage of those who considered themselves deserving of honour. (v) Expression by word of mouth of what is hidden in the recesses of the heart. The condition under which this condition of revolt ends are: (i) When the possessor of power subdues him who would wrest power from him. (ii) When rebels give up rebellion for some reason or other. (iii) When the ruler becomes fearless and begins to disdain those at the bottom of the rebellion. (iv) When the prestige of the revolutionaries begins to wane. (v) When the ruler manages to inculcate fear in the minds of the enemy.³

WEALTH AND EMPIRE

AS is well known most revolutions are caused by economic upheavals, and we now pass to the question of wealth. The book before us rightly distinguishes between the reasons why Man needs wealth and the need for sound State finances, and this is in consonance with his whole outlook viewing the ruler only as a servant of the State. He says that the reason why an individual wishes to acquire wealth for himself is the wish for power to take peaceful possession of animal and vegetable products in order to make himself comfortable in life. He wants to possess animals both for his safety and his food, as well as for providing himself with their skins as defence against atmospheric extremes, while vegetable produce is

1. *Sul.*, 35.

2. *Ibid.*, 33. When we remember that the ruler is the best available in the land as our author envisages him, we might ourselves come to the same conclusion.

3. *Ibid.*, 177. Aristotle's analysis of the causes, course and suppression of Revolutions is far more detailed and explicit, while our author is very general in his treatment. This itself shows that he was independent in his judgement. See *Aris. : Pol.*, ii, v, vi, etc.

needed for his food, clothing and for the manufacture of finished articles.¹ He scores a right and a very modern point when he says that it is in the field for the acquisition of these products for the individual that a ruler tries to extend the sway of his State and found Empires.² But we must remember that the need for State wealth is quite distinct from the need for individual wealth, for money is needed by the ruler not to fulfil his personal greed, but rather to keep the frontiers secure against a possible enemy, to uproot evil and increase the power of the lowly and the down-trodden, to free those imprisoned for non-payment of debts, and so organize government that everything should be done to better the condition of the people.³ He gives some very salutary principles concerning the budget and visually demonstrates that the only proper budget is that under which income exceeds expenditure.⁴

SLAVERY

THE last thing we would mention here is the discussion of the question of slavery. Our author says that slavery is either natural or artificial, and reminds us in rather a taunting way that there is a third kind of slavery, that of one's desires. As regards natural slaves, they are men strong of physique but weak in intellect. The slaves of other kind are those who are bound to be in that station in life according to Law either for household purposes, for further acquisition of wealth, or else for other duties.⁵ As regards the way in which slaves should be treated, our author follows the explicit precepts of the Apostle of Islam and says that the owner should take care that he gives them sufficient leisure during the week, should deal with them kindly and should treat them as carefully as he would the limbs of his own body.⁶ One need hardly mention that slaves were in those days what servants are in ours, and were as necessary for the household, progress in arts and crafts and other walks of life as hired labour nowadays. While social reformers at present are always making proposals for the betterment of the social condition of the workers, Islam by one stroke set the noble standard of equality between the condition of the lives of the slaves and their masters, and Abi'r-Rabi' simply reflects the injunction and likens the slaves to the very limbs of the master.

1. *Sul.*, 74.

2. *Ibid.*, 75.

3. *Ibid.*, 133.

4. *Ibid.*, 119.

5. *Ibid.*, 83, 84.

6. With Aristotle, 'the relation between the master and the slave does not exclude kindness' (*Pol.*, vi, o), while our author says that kindness is the *sine qua non* of this relationship.

GENERAL CONCLUSIONS ¹

ON a perusal of the political ideas couched in Ibni Abi'r-Rabī's work, one feels the extremely ethical atmosphere prevalent in his political principles. Although there is little of pure religion pervading his politics, there is no doubt that he is a great believer in providing an ethical basis for the ruler, his ministers and his judges. He stands midway between the purely Greek thought with its annihilation of the individual in the State, a thought which has reached us through Hegel in the extreme form of German Nazism, and the purely individualist theory under which the State is only the handmaid of the individual. No doubt Kingship is accepted without demur, and there is no place for the Republic in the *Sulūk* ; still, as has been mentioned, the King is not necessarily an hereditary despot, but the best among the people, coming very near the Platonic ideal, but not so near as to be made a practical impossibility. His rule, again, is not to be an irresponsible unmitigated despotism, but is to be limited by two principles—a system of Law which would be above him, and the practical idealism of his own personality.

One thing is most noticeable in the work before us, and it is that there is not one word which might be taken to mean the slightest religious or racial prejudice or the exclusion of any sect from any office of State. We have before us a whole vista of religious persecution in Europe coming right up to our very day, and perhaps extending to the unknown future, and here is a political scientist writing a book in the 9th century A.C. containing admonitions to the King under his express orders, tacitly telling him that the good of the State lies in a sense of equality between the races and religions of the Empire. This was, of course, entirely in accordance with the principles of government actually in vogue in the Caliphate of his own day.

Lastly, as to his method, Ibni Abi'r-Rabī' does not take his stand on history at all, and apart from giving the solitary instance of Moses appointing his son Aaron his wazīr and arguing thereby the so-called appointment of 'Alī to his wazirate by the Apostle of Islam, there is not a single argument based on any past happening. As has been mentioned before, history and politics are made mutually complementary and high officers of State advised to study history ; yet the author himself ignores history and rather takes his stand on what is inherently good and ethically correct, making morality the great bedrock of a successful life and a successful statehood.

H. K. SHERWANI.

1. We have dealt with only the most important ideas sketched in the work before us, as the compass of the paper did not allow the discussion of such topics as Statecraft, ministers, classes of State subjects and their mutual relations and a host of other matters.

MUSLIM CONDUCT OF STATE

(Continued)

PART II.—PEACE

CHAPTER I.—*Preliminary Survey*

PEACEFUL or non-hostile relations of states—in which cessation of belligerents from fighting without treaty or settlement is *not* included—and their rights and duties may be described under the following heads :—

1. Independence,
2. Property,
3. Jurisdiction,
4. Equality,
5. Diplomatic and Commercial Relations.

CHAPTER II

Independence

STATES, whether small or big, are either sovereign and independent or part-sovereign, or non-sovereign. In international law no notice is taken of the last of these kinds. The real criterion of independence, as far as international law is concerned, is the right to foreign relations. If this right is absolute, we call it sovereignty and independence ; if the right is qualified and restricted, but not abnegated and extinguished, we have a case of part-sovereign state ; and if the right does not exist, it will be a non-sovereign state. Apart from this real test, there are other requisites of independence which we shall describe presently.

It is, however, to be noted that the form of government has nothing to do with independence. A state may be a republic with elected heads, or a monarchy with hereditary succession. Even in the hereditary succession, the Islamic institution of بَيْعَة (oath of allegiance), which has been in vogue ever since the time of the Prophet, some sort of social contract and expression of popular will is present. The Prophet assumed authority through Divine commission, nevertheless every adherent to his authority had to pay him homage and allegiance either personally or through representatives.¹ When the Prophet died, and the Divine con-

1. Cf. Wensinck, مفتاح كنوز السنة s. v. بَيْعَة

nexion, through revelation, ceased to exist, the question of succession arose. Three propositions were made, viz., hereditary succession, popular election, diarchy. The Prophet left no male issue, and his nearest kin were a step-uncle and a cousin who was also his son-in-law. As for diarchy it was the proposal of some of the original inhabitants of Madīnah, called the Anṣār, who said: Let there be one ruler from amongst us and another from amongst you, the Meccans (منا أمير ومنكم أمير)¹; and apparently both the rulers had to rule conjointly since it was not possible to divide the territory; or at best it implied the division of jurisdiction of the two rulers according to persons concerned, not places.²

Strict hereditary succession, in the form of the right of the eldest son, does not seem to have ever taken deep root in Islamic polity. The Orthodox Caliphate was not hereditary. Among the Umayyads and Abbasids frequently brothers or cousins succeeded even in the presence of sons. The Ottoman Turks had the curious rule of presuming the eldest member of the royal family as heir. In the Mughal empire of India, more often than not, the sword and capability decided the issue. The case of Radiyah Sultānah of India is almost unique, a case of the succession of the daughter in the presence of several sons.

We may conclude from this and the Orthodox Opinion that either the nomination by the reigning person of his successor, or, failing this a general election by the Pillars of the State (أهل الحل والعقد) is the rule Islam has accepted, whether the nomination is that of the eldest son or not.

In short, form of government and succession to power are immaterial for an independent state. It remains, however, to see what is *independence* and what is *state*?

Independence.

Independence is defined by Ibn Khaldūn³ as *ولا تكون فوق يده يد قاهرة*

1. Ibn-Hishām, p. 1016; Ṭabariy, *History*, I, 1823.

2. The two-rulers theory was rejected by the Muslims of that time not only on the ground of expediency but also because of the rivalries of the Awsites and Khazrajites in the Anṣār clans (cf. Ṭabariy, *History*, I 1843). Yet Muslim history has left at least one instance of it in Ghaznah, in the dynasty of Maḥmūd Ghaznavī:—

چو مودود خونهای شان بر نشاند	بنه سال جای یدر ملک راند
وزان پس ازین کاروان رخت برد	کلید جهان دیگران را سپرد
پس ازوی علی و محمد به تخت	بشرکت نشستند از زور و سخت
علی بود فرزند مسعود را	محمد بسر بود مودود را
علی و محمد دران تختگاه	بشرکت چوراندند ملکی دو ماه
شنیدم یکی روز سر لشکران	ز شاهی بکردند عز و ول شان

Futūḥ-us-Salāṭīn by 'Iṣāmī, couplets Nos. 1220-25 (ed. Agra, 1938). For another, cf. *infra*, § "Regular parts of dominions and Condominiums."

3. *Prelegomena*, ch. 23 *حقیقة الملك*.

(the non-existence of any [external] power to enforce its will upon him i.e., an independent sovereign). In other words, it is the right of a state to administer all its internal and external affairs in such a way that it is neither controlled nor interfered with by any foreign power.

The right of a state to freedom of action is but a reflection of the original freedom of every man (الأصل في الناس الحرية).¹ This freedom to conduct state-affairs is only relatively complete. Absolute independence has never existed and is nowhere found in human society. There are natural impediments testifying to the omnipotence of God and weakness of man; there are correlative and reciprocal restrictions such as the respect of equal rights of others; there are contractual limitations of one's liberty, no matter whether accepted originally under force or with mutual will; and there are tacit acquiescences of unilateral declarations if there is no power to resist.

International law cannot apply without the existence of more independent states than one at the same time. As a fact several independent states have simultaneously existed since time immemorial yet the right of this co-existence was not easily conceded in civilisations of by-gone days. The Greeks were told by their national philosophers that nature intended the non-Greeks to be slaves of the Greeks.² The Romans, although they never ruled even one thirtieth of the world, believed that they were the lords of the earth. The world was regarded by them as *orbis Romanus*, and the Romans were designed as the *princeps orbis terrarum populus*.³ Obviously, so long as religions were national, there was no possibility of conceding equality to others, even when they capitulated. The Jewish law, for instance, insisted:—

When thou comest nigh unto a city to fight against it, then proclaim peace unto it. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the people that is found therein shall be tributaries unto thee, and *they shall serve thee*. And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it: And when the Lord thy God hath delivered it into thine hands, thou shalt smite every male thereof with the edge of the sword: But the women, and the little ones, and the cattle, and all that is in the city, even all spoil thereof, shalt thou take unto thyself; and thou shalt eat the spoil of thine enemies,⁴ which the Lord thy God hath given thee.⁵

1. Sarakhsiy, شرح السير الكبير IV, 71.

2. Aristotle, *Politics*, bk. 1, ch. 7.

3. Phillipson, *International Law and Custom*, 1, 104.

4. Cf. on the contrary, the saying of the Prophet, that spoils were legalised to him for the first time, whereas in former religions they were burnt (Bukhāriy, bk. *Jihād*, ch. legalisation of booty; Tirmidhiy, bk. *Siyar*, ch. booty; شرح السير الكبير I, 15; Tabariy, *Tafsīr*, under verses 8: 68-69—Tabariy, *Hist.*, I, 1710).

5. Deuteronomy, xx, 10-14. For a contrast in Muslim law, see the Prophet's instructions in صحيح مسلم V, 139-40.

Islam believed, on the other hand, in the universality of the Divine call with which Muḥammad was commissioned.¹ It was this conviction which led the Muslims to aspire at a world order, but we must distinguish between the domination of a nation based on race or language and between the nation aspiring to establish on earth the kingdom of God,² where His word alone (the Qur'ān, in this case) should reign supreme.³ Obviously for Islam it makes not the slightest difference whether the ruler is an Arab or a Negro⁴ provided he is a Muslim.⁵ The Muslims considered as their own enemies only the enemies of God: the Polytheists, the Associates or the Atheists. They wanted to conquer the world not to plunder it, but peacefully to subjugate it to the religion of "Submission to the Will of God," religion of which they were not the monopolisers but which was open to all the nations to embrace and become equals.⁶ In a word, the Muslim aim was to spread Islamic civilisation and to realise a universal Polity based on the equality of the Faithful and a system which provided the basic necessities of all the needy in the country, irrespective of religion, without in the least impairing private enterprise. (cf. Qur'ān, 9 : 60, 8 : 41).

Yet this did not mean that in the meanwhile they acknowledged no rights to people outside their jurisdiction. The Qur'ān enjoins peace with those who do not want to fight;⁷ the scrupulous respect of treaties concluded with non-Muslims,⁸ and is emphatic on the point that the world belongs to God and He gives His vicegerency to whomever He wills.⁹

State.

States have existed in human society since time immemorial, and not much has changed in the essentials of their functions; and the state officials, from the head to the lowest, have proportionately exercised more or less authority over the commoners and even the lower state-officials in their private capacity. The question of the origin of authority, however, is a disputed question in different schools of thought. Some trace it to the collective will of the political group, some claim Divine descent or even Divine incarnation.

1. Cf. *supra*, part I, ch. viii, c.

2. Qur'ān, 8 : 39.

3. Tirmidhiy bk. *Faḍā'il al-jihād*, ch. —: من يقاتل رياءً و الدنيا

”سئل رسول الله عن الرجل يقاتل شجاعة و يقاتل حبة و يقاتل

رياءً فأى ذلك في سبيل الله؟ قال من قاتل لتكون كلمة الله هي العليا

و لو أمر عليكم حبشاً أجدع : VII 99, Cf. also Bukhari, etc.

5. Cf. Qur'ān, 4 : 59. ”و اولى الأمر منكم“

6. Qur'ān, 4 : 123, 49 : 10, 3 : 103; etc. Cf. also the oration of the Prophet at the Last Pilgrimage in the year 10 H. in Ibn-Hishām, p. 968-70; Ya'qūbiy, II, 122-23; Jāhiz والبيان, II, 24 f.

7. Qur'ān, 8 : 61.

8. Idem, 4 : 90, 4 : 92, 8 : 72, 17 : 34, 23 : 8, 70 : 32, 2 : 177, 3 : 76, 5 : 1, 9 : 7.

9. Idem, 3 : 26, 6 : 134, 11 : 57, 24 : 55; etc.

So far as Islam is concerned, the classical authors have been unanimous that it is a delegation of Divine authority, through the intermediary link of the Messengers or Prophets who receive Divine revelation. It may be called a theocracy. A few typical quotations from the Qur'ān will elucidate the point :—

(a) Lo ! the earth is God's. He giveth it for an inheritance to whom He will. (7 : 128).

(b) And when thy Lord said unto the angels : Lo ! I am about to place a viceroy in the earth. (2 : 30).

(c) [And God said unto him :] O David ! Lo ! We have set thee as a viceroy in the earth ; therefore judge aright between mankind and follow not desire that it beguile thee from the way of God. (38 : 27).

(d) Say : O God ! Owner of Sovereignty (*mulk*) ! Thou givest sovereignty unto whom Thou wilt, and Thou withdrawest sovereignty from whom Thou wilt. Thou exaltest whom Thou wilt, and Thou abasest whom Thou wilt. In Thy hand is the good. Lo ! Thou art Able to do all things. (3 : 26).

And scores of other verses, supported by the sayings of the Prophet and Orthodox Practice, all tend to the fact that God is the King of the earth and beyond, and He delegates authority, for administration in trust, to man ; and man wields power at His will.

As already remarked, states have existed before the philosophers and political scientists. I need not dilate on the minute discussions of what is a state, according to Muslim scholars, what are the essentials of the *Khilāfat* or the vicegerency of God, and allied questions which might more appropriately be discussed in the history of Muslim political thought. Here it suffices to emphasise two points, (1) acknowledgement of more than one independent state at a time and (2) acknowledgement of more Muslim states than one.

Rādiyud-Dīn as-Sarakhsīy records the opinion of Abū-Yūsūf and ash-Shaibānīy in the following words :—

They both maintain : a territory is related to its people on account of their controlling hand over it and their establishing protective authority therein.

لهما :-- الدار إنما تنسب إلى أهلها لثبوت يدهم القاهرة عليها وقيام ولايتهم الحافظة فيها (المحيط لرضي الدين السرخسي ، خطبة ولي الدين في استنبول ورق ٦٠٥ ب)

Regarding the second point, the diversity even of Muslim states, it is to be pointed out that, though essentially Muslims constitute but one "nation,"¹ still not all the Muslims ever lived in Islamic territory, strictly speaking. Even the Qur'ān refers to it several times :—

(a) "It is not for a believer to kill a believer unless it be by mistake.

1. Cf. (Ibn Hishām, p. 341), constitution of the Muslim State in the time of the Prophet, § 2 :

(انهم امة واحدة من دون الناس)

He who hath killed a believer by mistake, must set free a believing slave, and pay the blood-money to the family of the slain, unless they remit it as a charity. *If he (the victim) be of a people hostile unto you, and he is a believer, then the penance is to set free a believing slave. And, if he cometh forth of a folk between whom and you there is a covenant, then the blood-money must be paid unto his folk and also a believing slave must be set free. And whoso hath not the wherewithal, must fast two consecutive months. A penance from God. God is Knower, Wise.*" (4 : 92).

(b) "How should ye not fight for the cause of God and the feeble among men and women and the children who are crying : Our Lord ! bring us forth from out this town of which the people are oppressors ! Oh, give us from Thy presence some protecting friend ! Oh, give us from Thy presence some defender ! . . . They will ask : In what were ye engaged ? They will say : We were oppressed in the land. They will retort : Was not God's earth spacious that ye could have migrated therein ?" (4 : 75, 97).

This question of minorities is so very old.¹ Apart from the Muslim minority in foreign countries, there was, however, in the beginning no possibility of having more than one Muslim state. When Islam spread far and wide, and the Muslims did not form a compact whole with continuous and contiguous frontiers, the division of Islamic territory into many states was inevitable. As a matter of fact, we have also to admit the division caused by civil wars and successful rebellions. So much so that even classical jurists had to acknowledge this fact. Ad-Dabūsīy (d. 430 H.), for instance, is very explicit on the point :—

The distinguishing factor between the Muslim and non-Muslim territories, is the difference of authority and administration. *The same is true of the different principalities even within the Islamic territory which are distinguished from one another by the domination and the execution of authority (i.e. Jurisdiction)*².

لان الدارين في الاصل ما امتازا
باجراء الاحكام وتنفيذ الولات و
كذلك الولايات المختلفة في
دار الاسلام بين ملوك الاسلام لا تمتاز
الا بالغلبة و اجراء الاحكام

With the downfall of the Umayyads, Spain became independent of the East. Later, during the decadence of the Abbasid Empire, its provincial governors became hereditary and virtually independent. They could wage war, make peace or conclude other treaties, without reference to the Caliph, and administer all their internal as well as external affairs at their

1. See my article on Muslim colonisation, migration, repatriation and allied topics, in the time of the Prophet and his two successors, in the Hindustani quarterly, سياست, of Hyderabad, July 1940, under the heading *Hijrat*.

2. Ad-Dabūsīy, كتاب الامرار, fol. 151h, (MS. Waliuddin, Istanbul, No. 1402).

own will. Their nominal allegiance to the Caliph will be dealt with in a later chapter. We shall conclude with one more instance of a curious kind. It is recorded that the Caliph Hārūn ar-Rashīd created a buffer-state in North Africa, in a country where three realms met, the Abbasid Empire, the Idrisite Kingdom and the Umayyad Dominions of Spain ; and handed, it over to the family of Aghlabites who exercised full independence with this exception that they recited the name of the Caliph of Baghdād in the Friday Sermons in cathedral mosques.¹

We have seen that an independent state must be immune from foreign intervention. It may briefly be dealt with.

Intervention.

Independence gives the *right* of immunity from external interference. But rights and obligations are correlated to each other. Immunity requires abstention also from intervening in others' affairs. Yet there are times when intervention is justified :

1. In self-defence.
2. In preventing an evil worse than meddling into others' affairs.

To intervene in self-defence may amount to retaliation or repudiation of the existing treaty for which sanction is forthcoming both in the Qur'ān² and the practice of the Prophet.³ It is sometimes difficult to distinguish between a punitive act and an intervention. Coercion or threat of coercion, naked or veiled, lies at the root of intervention ; and an unwilling submission on the part of the subject of intervention is necessary. Once some Christian subjects had fled from Muslim territory and taken refuge in a Byzantine region. The Caliph 'Umar's intervention was the reason of their repatriation by the Byzantine Emperor.⁴

Intervention on the ground of humanity, or *in the path of God*, as the Muslim authors call it, is not unknown ; it is even upheld as the very first duty of a Muslim :—

Ye are the best community that hath been raised up for mankind. Ye enjoin right conduct, and forbid indecency ; and ye believe in God.⁵

And let there be a people from among you who invite to do goodness, and enjoin right conduct and forbid indecency. Such are they who are successful.⁶

1. Farid Rifā'iy, عصر المأمون , I, 128 ff.

2. Cf. for instance, 8 : 56-58.

3. I refer to the conquest of Mecca as a direct sequence of Meccans' maltreatment of the allies of the Muslims. (Ibn-Hishām, pp. 802 ff. ; Tabariy, *History*, I. 1621 ff. ; and other biographies of the Prophet).

4. Tabariy, I, 3508.

5. Qur'ān, 3 : 110.

6. Idem 3 : 104.

And several other verses. Of the sayings of the Prophet, I shall quote but one :—

Whoever from among you sees an indecency (*munkar*), let him change it by his hand ; if he cannot, let him do that by his tongue ; if he cannot, let him do that by his heart (through disapproval, prayer to God, etc.) but this last would testify to the extreme weakness of Faith.¹

The basis of intervention, however, has been provided in the Quranic dictum, " discord is worse than slaughter " ² and in the legal maxim *يُخْتَارُ أَهْوَنُ الشَّرِّينِ* (the lesser of two evils should be preferred).³

Muslim jurisconsults maintain that intervention by a Muslim state even in another Muslim state is necessary if the latter sets aside some significant command of the *Shari'ah*.⁴ Public despising of the Orthodox Caliphs by some of the *Shi'ites*, was also one of the authorised grounds to the Sunnis for intervention ; it was considered to amount to apostasy.⁵

We must distinguish between intervention on the one hand and protest, advice, good offices, mediation and arbitration on the other. Mere protest,⁶ falling short of any active interference to rectify the act done, is but an expression of feeling. In advice,⁷ friendly suggestion is tendered in all good faith without any sanction behind it to carry it out. By good offices and mediation,⁸ we understand the act of maintaining contact with both the conflicting parties and providing them both with a means of negotiation and pacific settlement. In arbitration,⁹ both the conflicting parties place their case in the hands of a referee whose award they previously agree to execute. In none of them is there coercion or forceful carrying out of one's will which is so essential to intervention.

CHAPTER III

Property

LIKE private individuals, states, too, may and do own property.

1. *Ṣaḥīḥ* of Muslim, I, 50.

2. *Qur'ān*, 2 : 191.

3. *مَجْلَةُ الْأَحْكَامِ الدَّلِيلِ* ch. I, maxims ; *Sarakhsiy*, *السير الكبير*, iv, 46 ; iii, 332, etc.

4. See any law compendium, ch. Authorised grounds for waging war.

5. *فِتَاوَى الْعَلَكَبَرِيَّةِ*, § Apostates.

6. The attitude of the Prophet (*Ṭabariy*, *History* I, 1572) at the reception accorded to his letter and his envoy by the Emperor of Persia, may not amount to more than a mere protest and expression of disgust at the violation of international comity.

7. In modern times, there are more cases of this kind than in classical times.

8. For a case in the time of the Prophet, see *Ṭabariy*, *anno* 1, p. 1265 ; *Ibn Highām*, p. 419.

9. *Ibn-Hishām*, p. 669-70, 673 (Case of *Quraizah*) ; —*Dinawariy*, p. 196-99 ; —*Ṭabariy*, *History*, I, 3336-38 (case of *'Aily* and *Mu'āwiyah*).

The first thing a state owns is territory. The relation of state with territory is so close that a state without definite territory is even inconceivable. Even the *de jure* rulers in exile possess defined territories to which they lay claim.

By territory is here meant not only the surface of the part of the earth over which a state exercises its jurisdiction, but what is below it and what is above it, comprising thus land, water and air. Obviously, in ancient times, when science had not developed so much, states laid claim over only so much of the creation of God as they could directly dominate. By the time Islam made its appearance, man had already conquered water as well as the subterranean treasures of nature such as minerals. Regarding air, there were neither aeroplanes nor radio broadcasts. Nevertheless the Arab jurists believed that everything above or below a territory belonged to it. It was thus that they prohibited the construction of private buildings over or below public bequests such as mosques, schools, etc.¹ With water we shall have to deal later on.

No doubt, the theocratic basis of Muslim polity denies a state absolute ownership—as distinguished from relative ownership or trusteeship for God—in territory; nevertheless, for all practical purposes, there is no difference between the powers of a Muslim state and those of a state which does not believe in God, regarding its territory. In view of the ultimate ownership of God, it not only implies that the human ownership of a Muslim state should be a mere trusteeship and administratorship, but also Divine origin of the rights of a sovereign. A sovereign authority is declared in the words of the Prophet as the "shadow of God," and whoever despises it, despises, so to say, God himself.² It is to be noted, however, that in spite of this Divine appointment, the Muslim ruler is not a despot: he is, first of all, as much subject to the laws of the country, (the *Shari'at* at itself having a Divine origin, and not vaguely but in concrete form of Qur'an and Sunnah), as any other commoner from among his subjects; further, the ruler is maintained in power by the collective might of the community; he may even be deposed³ by the community on the

1. See any law compendium, ch. waqf.

2. Cf. Ṭayālisiy, No. 887; Ibn Ḥanbal, V. 42, 48 and especially 165.

3. Sarakhsiy, الميسوط, X, 93: كاساني: ولاي حنيفة... تحت يد امام المسلمين و يده يد جماعة المسلمين: VII, 16: Ibn-Khaldūn, Proleg. وكل ما يخرج الوكيل عن الوكالة... فهو الفرق بين العزل والموت: ch. 26: الخلافة راجعة الى اختيار اهل القدر والحل: cf. al-Ḥuṭai'ah (d. 30 H.) mourning on the murder of 'Umar:

انت الامام الذى من بعد صاحبه لقى اليك مقاليد النهى البشر
لم يوثروك بها اذا قد موك لها لكن لا تمسهم كانت بك الأثر

—cf. 'Aliy 'Abd ar-Rāziq, الاسلام واصول الحكم (Cairo, 1343 H.)—cf. the curious opinion of Ḍirār-ibn-'Amr on the preference of non-Quraishites for the Caliphate, in: فرق الشيعة, p. 10.

principle that the Hand of God is on the community (يد الله على الجماعة) and that the community cannot agree to a wrong (لا يجمع امتي على الضلالة) or *vox populi vox dei*.

Unlike other systems of jurisprudence where the individual owns property in lands as a delegated authority or trustee, all land of a territory being vested in the state, Islamic jurists have opined that every individual owner has the same Divine authority, and the supervising authority of the state is only a symbol or a manifestation of the collective authority of the community. Abū-Ḥanīfah, for instance, is reported to have said :

All parts of the Muslim territory are under the authority of the *Imām* (Ruler) of the Muslims, and his authority is the authority of the community of the Muslims.³

We have seen that a state always owns territory⁴—details of which will be given presently—yet that is not all. A state may and always does own things other than territory, such as buildings, means of transport, money, stores, books, etc. International law applies to them in so far as their acquisition by one from another, through pacific or hostile methods, and their disposal, are concerned.

But territory, that essence and cream of a state's property, requires further elucidation.

Boundaries.

Boundaries have always been a very difficult question to settle in international intercourse. They are defined through prescription as well as express treaties between the neighbouring states. If there is a river or lake on the frontier, the boundaries of the states will extend to meet each other in the middle of the water unless otherwise settled by prescription or express treaty.⁵

It is a general and admitted principle of Muslim law that water will be an appurtenant to adjoining land and not *vice versa*.⁶ That is, a state which possesses a tract of land bounded by water, will *prima facie* be presumed to possess also the adjoining water—a lake for example ; and not that the state which possesses water, is entitled to the proprietary rights of the adjoining land.

1. Tirmidhiy, ch. في الامام

2. *Ibid.*

3. as-Sarakhsiy, *Mabsūt*, X, 93.

4. The derelict and unowned land also belongs to the state (*Amwāl* of Abū-'ubaid, § 674, 690.)

5. Muslim Jurists recognise this regarding private property (cf. any compendium under ch. كتاب الشرب)

The same must apply to international cases.

6. Cf. Kāsānīy, بدائع VI, 189-90 ; and others *in loco*.

Open Sea.

Obviously open sea cannot be treated as ordinary watercourse or lake. Early writers scarcely mention it in this connexion. Post-classical jurists have a difference of opinion whether it should be considered as no-man's property or non-Muslim territory. In either case, they argue on the basis of control that could be exercised. Ibn-ʿĀbidīn, while describing the capture of Muslim property by the enemy and rendering it safe through taking it to their territory, analyses the opinions of different jurists on the subject :—

“...if they (i.e., enemy) take it to the safety of their territory. The enemy territory includes the Salt Sea (Open Sea) and the like, for instance a desert beyond which there is no Islamic territory. This opinion has been attributed to al-Ḥamawī (d. 1098). Abus-Suʿūd, writing notes on the commentary of al-Hāmīlī's in verse, says that the surface of sea will be considered as non-Muslim territory. Ash-Sharanbilāli (born 1069 H. author of غنية ذوى الأحكام في بغية درالحكام) records in his chapter on tithes that Sirāj ad-Dīn ʿUmar ibn ʿAlī al-Kinānī, known as the *Reader of Hidāyah*, was asked whether the Salt Sea would be considered as part of Muslim territory or non-Muslim territory? He replied : It belongs to neither category since, none has control over it. Al-Ḥaṣḥafī in his الدر الممتنى (compiled in 1080 as a commentary of ملتى الأبحر by Ibrāhīm al-Ḥalabī) opines that the salt sea should be included in non-Muslim territory.”¹

The same author mentions in another place² :—

“The author of النهر says that all that appertains neither to Muslim territory nor to non-Muslim territory should be included in non-Muslim territory, for instance the Salt Sea over which no one has control. . . Apart from this, the Salt Sea will be treated as non-Muslim territory. So, if a non-Muslim subject of Muslim state goes thereto without permission, will become a subject of non-Muslim state and his allegiance will be cut off. Again, if a subject of a non-Muslim state goes thereto and returns to Islamic territory before reaching home, the old permit will no longer be valid ; his belongings will again be taxed.”

It is clear from this discussion that the opinion of these jurists was based on the difficulty of exercising power over it with their small sailing boats. They admit implicitly that Muslim jurisdiction extends to what they can control. In later times the Turks, for instance, have exercised their jurisdiction over the Black Sea, and no Muslim jurists have denied the validity of it

1. Ibn ʿĀbidīn. رد المحتار شرح الدر المختار. III, 266-67.

2. *Idem*, II, 423-24.

In connexion with territorial waters, a saying of the Prophet, in quite general and all-embracing terms, may be referred to. He is reported to have laid down that "every land has its appurtenance forbidden [to other than the proprietor]" (انه صلى الله عليه وسلم جعل لكل أرض حرماً).¹ The rule has been developed regarding municipal law so as to apply to wells, roads, waterways, canals, houses, etc.,² yet it does not seem to have been developed and worked out so as to apply to international law, more particularly to open sea. And probably there was then no need even. According to Muslim jurisprudence even the sea has been put into man's control:—

And He it is Who hath constrained the sea to be of service that ye eat fresh meat from thence, and bring forth from thence ornaments which ye wear. And thou seest the ships ploughing it that ye may seek of His bounty and ye may give [Him] thanks.³

And if the Muslim state can snatch control over part of it from anybody else, it will become part of Muslim territory. However, it is to be noted that Muslim jurists have always made a distinction between what they consider of public utility and private utility. A thing of public utility cannot be given in monopoly to private individuals:—

All the Muslims join in the utilisation of Tigris and Euphrates and any other big river like them or valley from which they water the soil or use for drinking purposes of man and beast. . . . The maintenance of such big rivers and repairing their banks is on the public treasury. The big rivers are not like particular rivulets belonging to private persons where others cannot enter. . . . Tigris and Euphrates are not like that, and anybody who likes to water his soil from them can do that at will; boats pass in them; right of pre-emption does not arise on account of mere joining in the utilisation of their water.⁴

The Prophet himself prohibited more than once the giving in jagir (fief) of things in which there is common interest.⁵

International waterways and canals were contemplated in classical times, one even to join the Red Sea with the Mediterranean, though never undertaken for fear of strategic complications. I do not hesitate to maintain, that had they been projected and achieved, they would not have been different from ordinary canals and rivers, with full exercise of jurisdiction and proprietary rights and complete control over traffic. The famous canal from Cairo to the Red Sea constructed in the time of Caliph 'Umar, suggests to us the treatment that would have been

1. Abū-Yūsuf, *الحراج*, p. 57; al-Kāsānīy, *بدائع الصنائع*, VI, 195.

2. Abū-Yūsuf, *op. cit.*, p., 57.

3. Qur'ān, 16: 14.

4. Abū-Yūsuf, *Kharrāj*, p. 55-56.

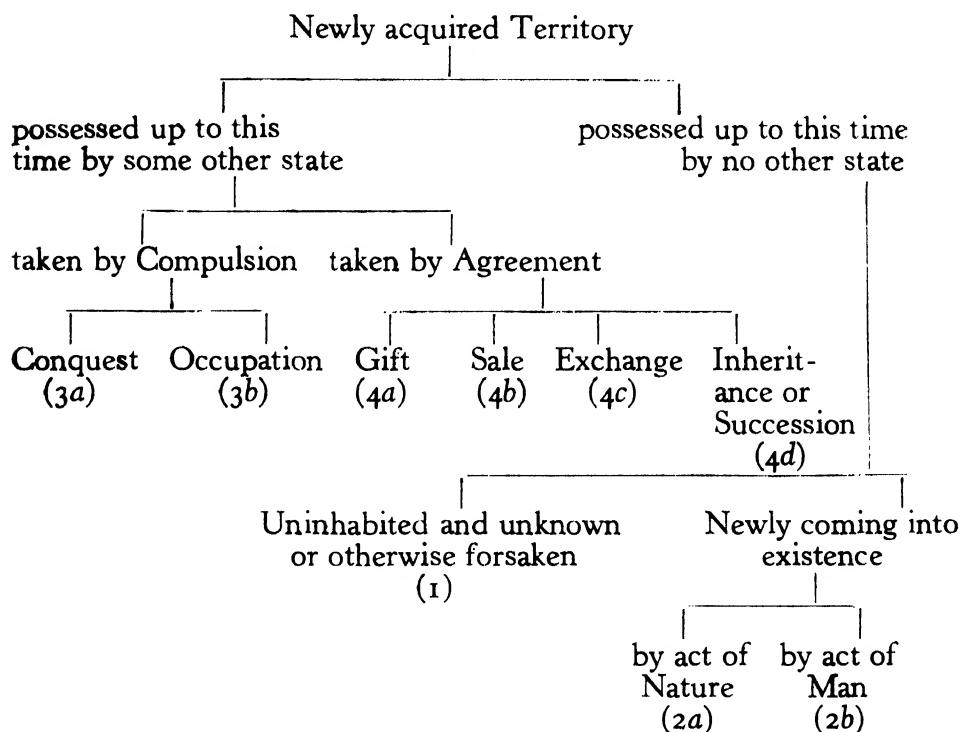
5. For one case cf. Ibn-Sa'd, 1/2, p. 58 and Ibn-'Abd-al-Barr, *استيعاب* No. 3431; for another.

Abū-'Ubaid, *كتاب الاموال* § 683, 693.

meted out to it if it¹ had been extended down to Farama² near Port Sa'id. The canals and rivers and other waterways in Muslim territories were open to all peaceful traffic, and if foreigners brought anything from their country through waterways, they were taxed with the usual dues.³

Modes of acquiring Territory.

Modes of acquiring new territory by a Muslim state may be divided as follow :—



(1) Territory not yet occupied by any state owing either to new discovery or for want of being cared for on account of its remoteness or some other reason, may be acquired by occupation. There is no case of this kind in early Muslim history except one when some Arabs reached a new and unknown island by stress of weather and afterwards related wonderful stories to the Prophet.⁴ Annexation could obviously not be expected. In later travel literature, there are frequent references to discovery of new islands by those hardy Muslim sailors who dared undertake

1. Tabariy, *History*, I, 2577; Suyūṭīy, *Ḥusn al-muḥāḍarah*, ch. Khaliḡ amīr al-mu'minin.

2. Cf. Mas'ūdīy, *مروج الذهب*, (ed. Egypt), I, 270; Abu'l-Fidā' *تقويم* p. 106.

3. Abū-Yūsuf, *Kharāj*, p. 78.

4. *Ṣaḥīḥ of Muslim*, 52 : 119-22.

voyages from Persia and Egypt to China in tiny boats to the envy of modern navigators, but no instance of occupation is known to me. Even the discovery of America by the Arabs¹ has not left anything of interest from the point of view of international law except that colonisation had just begun. The history of Muslim occupation of the South Seas and the thousands of islands in Oceania is yet to be written to provide us with necessary data.

(2) Lands coming newly into existence may be of two kinds : those which came into being by act of nature, and those by act and art of man. In the former, we may include islands raised up by convulsion of earth or alluvial deposits of a river or even by the change of a river's course. Artificial reclamations of water-covered areas are old enough to be mentioned by Abū-Yūsuf.²

If natural accretion happens within the territorial limits of one state—the nearer half of a boundary river included—and has caused no damage to any other state, it requires no formal occupation in an international sense. If an island comes up in a place where the imaginary boundary line crosses through it, it must be proportionately divided and distributed between the neighbouring states concerned or otherwise the matters should be settled through treaty stipulations.

But if the natural accretion has happened at the expense of another state—as, for instance, through change of a river's course—Muslim municipal law says³ that the accretion must go to the one in whose possessions it has happened, yet he must pay compensation to the sufferer in proportion to his gain. This is based on the principle expressed in the maxims that “gain is with sufferance” (الغنم مع الغرم) and “injury must be removed” (الضرر يزال).⁴ The Muslim jurists will apply the same rule to international disputes.

Yet if the changing of a river's course is so great that it has become a territorial river instead of a boundary river, the line of boundary must lie in its old bed, for :—

Thy Lord bringeth to pass what He willeth and chooseth. They (i.e., human beings) have never any choice. Glorified be God and exalted above all that they associate (with Him).⁵

And it becometh not a believing man or a believing woman, when God and His Messenger have decided an affair (for them), that they should after that claim anything in their affair; and

1. Sulaimān Nadwī, *عرب اور امریکہ* (cf. the Hindustāni monthly *Ma'ārif*, A'zamgarh, March and April 1939; *Islamic Culture*, July, 1939, pp. 382-383).

2. *Kharāj*, p. 52-53 (ch. Islands in Tigris and Euphrates); Yahyā-ibn-Ādam al-Quraghīy, *Kharāj*, p. 15.

3. شرح مجلة الأحكام العدلية, Vol. 1, in loco.

4. مجلة الأحكام العدلية, ch. I, Maxims.

5. Qur'ān, 28 : 68.

whoso is rebellious to God and His Messenger, he verily goeth astray in error manifest.¹

There are many cases in Muslim history of a river's changing its course,² 'Amūdaryā (Oxus) for example, but whether these events ever produced interstatal complications I am unaware.

Artificial reclamation has nearly the same bearing. If it can be achieved without others' suffering in any way, no right of interference accrues to anybody. Otherwise, it will require previous settlement through express stipulation.

(3) Forcefully acquiring a territory possessed by some other state may be either through war and conquest or even mere occupation without encountering any resistance on the part of the occupied. Mere conquest does not amount to annexation : it requires intention to annex. For it is possible that conquest and occupation was carried out on behalf of some allied and friendly state, or merely temporarily to compel the opponent state to mend some wrong. Secondly, it requires continuous and uninterrupted governance and the exercise of sovereign rights combined with firm possession.

(4) Territorial acquisition through mutual consent may either be through gift, exchange, sale or inheritance. Gifts, especially as dowries, have left many instances, at least in the history of Muslim India.³ Exchange of territories has also occurred many a time⁴ mostly for strengthening boundaries. An instance of sale is recorded during the reign of Caliph 'Umar II of the Umayyad dynasty, who purchased Malaṭīyah from the Byzantines, giving in exchange a hundred-thousand prisoners of war.⁵ A case of inheritance was provided for in the treaty of cession concluded between al-Ḥasan and Mu'āwīyah, by which the former handed over to the latter all his possessions on the condition that he should be declared heir-apparent to the whole dominions of the latter.⁶

Various Kinds of Territories under Power of a State.

A state does not always exercise similar powers over all parts of its territory. A few instances will illustrate the point :

1. Qur'ān, 33 : 36.

2. Cf. *Encyclopaedia of Islam*, s. v. Amu-Darya ; Barthold, *Turkistan, in loco*, (vide index thereto).

3. In the year 1564 the fort of Shōlāpūr was handed over by Nizāmshāh to 'Ādilshāh.

4. Abul-Fidā, *History*, (ed. Europe), III, 264, 464, 608 ; IV, 36, 56.

5. Abū-'Abdallāh Muḥammad-ibn-Salāmah-ibn-Ja'far, *عيون المعارف و فنون أخبار الخلائف* (MS. Topkapusarai, Istanbul, No. 2791, copied in 748 from a MS. written in 422 H.), fol. 77a :
 "عمر بن عبد العزيز . . . واشترى مطية من الروم بماية ألف أسير و بناها ،"

6. This clause of the treaty is recorded by few , Tabariy not included.

(a) *Regular parts of Dominions and Condominiums.*

Every such part of the territory of a state is under its direct control, no matter whether possessed since antiquity or newly added, whether populated or waste, civilised or nomadic and even barbarous. A state may consist at the same time of all or several of these kinds of lands.

Abul-Fida records a case of condominium which lasted for a long time (فعلکوا معاً مدة مدیدة).¹

(b) *Tributary Independent States.*

For want of a better term, we mean by this the non-Muslim states from which a Muslim state received tribute, by the exercise of compulsion. This does not involve protection by the Muslim state of the tributary state against aggression of third powers, but it secures itself from attack on the part of the Muslim state. Apart from this obligation of tribute, the non-Muslim state remains completely independent, the tribute symbolising only a sort of inferiority and weakness. Thus, for instance, Theodimir agreed to pay yearly tribute to the Arab conquerors of the first century of Hijrah while at the same time retained his independence.² So also under the Abbasid al-Manşūr and all his successors down to al-Mu'taşim, the Emperors of Constantinople paid tribute more or less regularly to Baghdād. Caliph al-Mahdī received tribute from the Empress Irene, and Hārūn ar-Rashīd not only received tribute but also capitation tax (jizyah) from the Emperor Nicephorus and his family.³ Yet in all such cases the internal and external autonomy of the tributary state did not suffer.

There is even a case of dual subjection to tribute. Caliph Mu'āwiyah subjugated Cyprus and concluded peace on the condition that Cyprus should yearly pay a certain tribute notwithstanding the fact that it also paid tribute to the Byzantine emperor. It was further stipulated that the people of Cyprus should remain sincere and well-wishers of the Muslims and should keep them informed of the movements of the Byzantine.⁴

(c) *Nominally Dependent.*

By this we mean the Muslim independent states which came into being when the authority of the Abbasid Caliphs could not exert itself.

1. Abul-Fidā', *History*, under the year § 588 A.H. Cf. also *supra*, § "Independence."

2. Gibbon, *Decline and Fall*, V, 566; S. P. Scot, *Moorish Empire in Europe*, Urdu trans., I, 263.

3. Do do VI, 39-40; Farid Rifā'iy, عصر المأمون, I, 129; Shibli, المأمون, ch. Contemporary States.

4. Abū-'Ubaid, كتاب الاموال, § 467; Balādhurī, فتوح, Cyprus; cf. Ibn al-Athīr, III, 74-75, 107.

We may include in this category even the Spanish states until 'Abdar-Raḥmān an-Nāṣir assumed the title of the "Commander of the Faithful,"¹ reserved for only one person at a time for the whole of the Muslim world. More pre-eminently this is true of the states in the East. They were originally provinces of the empire of the Caliph, and had gradually become independent, so much so that they gave birth to dynasties of rulers. In spite of full independence that they enjoyed, they publicly acknowledged their allegiance to the Caliph of Baghdād in the weekly Friday sermons in the cathedral mosques and also at the two yearly 'Id festivals.² Often the name of the Caliph was struck on the coins of these states.³ The succession was for long considered incomplete without the charter or letter patent of the Caliph.⁴ The titles of honour were jealously and eagerly sought after.⁵ This is true not only of the provinces of the Caliphate which became independent but also of the Muslim states founded and conquered by private individuals at their own initiative, and nevertheless they believed themselves bound to pay homage to the Caliph, such as the states in India. To this list we may add the name of states whose sovereigns embraced Islam and paid homage to the Caliph, for instance the King of Bulgars in the year 310 H.⁶ In all these cases the dependence, if at all we may term it so, was more personal and institutional than political and actual. It cannot, however, be denied that the Caliph did at times exercise a moral influence over the policies of these independent states, as for instance, in the year 757 H. the influence of the Caliph was sufficient to prevent Fērōz Shāh, in such a far off country as India, from attacking Maḥmūd Shāh Bahmanī who had obtained intercession of the Caliph in his favour somehow or other.⁷

History has recorded the curious and even paradoxical cases when some of these provincial, independent governors sometimes even Shi'ahs, captured Baghdād, the very seat of the Caliphate, ruled over it as part of their territory and yet paid homage to the Caliph.⁸ The Aiyūbid Salāḥud-

1. "In the beginning they were styled as *خلاف* and not *خلفاء*" cf. Mas'ūdiy, *Murūj*, (ed. Egypt), I, 70.

2. Ibn Hawqal, *المسالك والممالك*, pp. 227-28; Ibn-Jubair, *رحلة*, pp. 50-51.

3. *Numismatic Chronicle*, 1885, pp. 215-27 coins of the dynasties of Ghulāmān, Tughlaq, Khilji, Lūdhī, Jōnpūr, Mālwah, Bengal (بهنی محمد, II, of 924). Cf. also *Catalogue of Coins in Indian Museum*, Calcutta, Vol. II, published 1907, pp. 20 ff; *Catalogue of Indian Coins in British Museum*, Part "Muslim Countries," 1885; etc.

4. Muḥammad Ḥabīb, *Sulṭān Maḥmūd of Ghaznī*, pp. 3-4.

5. Even by Sulṭān Maḥmūd of Ghaznī, as recorded by his biographers.

6. Yāqūt, *معجم البلدان*, s. v. Bulghār. Even Ibn-Faḍlallāh gives in 764 H. the name of the ruler of Bulghār in the list of Muslim kings (cf. his *التعريف بالمصطلح الشريف*), in *loco*.

7. 'Abdal-Jabbār, *محبوب الوطن*, p. 239. (It is a history of South India).

8. I refer to the Shi'ah Būhids and Sunni Saljucids.

dīn the Great was rightly and meritoriously given the proud title of The Reviver of the Kingdom of the Commander of the Faithful (محي دولة).¹ (أمير المؤمنين).

(d) *Protected States.*

By this we mean those part-sovereign or non-sovereign states which obey the dictates of their protector in many matters of policy, being in return entitled to protection from the suzerain and protecting state. The protecting state exercises a certain amount of control, yet does not govern directly the protected country where the local prince continues to rule. The Prophet had addressed missionary letters to many a foreign prince in which this characteristic phrase occurred: "If you submit, I shall leave intact the power you exercise."² Of those who were addressed in this way, the rulers of Bahrain and 'Umān accepted the Call, and the Prophet sent to their Courts *Residents* who exercised certain functions, had exclusive jurisdiction over the Muslims in those countries, and at the same time the local rulers retained their power in the residuary matters. In later history of Islam, however, there are innumerable instances of protectorates with varying grades of power exercised by the suzerain power, in India as well as elsewhere.

(e) *Sphere of Influence.*

By this we understand a country which is marked by a state for future domination but, which it does not consider ripe enough for immediate annexation. In such cases, generally there are either express or tacit agreements with other possible rivals who first disclaim any interest of theirs in the country concerned, and gradually all connexions are severed between the sphere of influence and the rest of the world except the dominant state which at last occupies it at a proper time.

There is an instance of this kind in the history of India, probably not the only one of its kind:—

In the year 939 H. they (i.e., Nizām Shāh درسته تسع و ثلاثين و تسع
and 'Ādil Shāh) met together on the frontier, and after much negotiation so decided مأية در سرحد ملاقات دادند
و بعد از گفت و شنيد بسيار

1. Ibn-Jubair, رحلته, pp. 50-51; also an epigraphic monument on the Southern side of the *Dome of the Rock* (قبّة الصخرة) in Jerusalem, inscribed by Ṣalāḥuddīn the Great, visited by me in 1932.

2. With slight difference in the way of expression the same phrase was addressed to Mundhir-ibn-Sāwā of Bahrain, Hawdhah-ibn-'Alīy of Yamāmah and Jaifar and 'Abd, both of 'Umān. The phrase "Submit and you will be safe," was also addressed to the Emperors Negus, Heracleus and Chosroes. For texts see my *Arabic or French Corpus* or Ibn-Tūlūn, Ibn-Sa'd, Qalqashandiy, Ibn-Kathir, etc. The expression "submit" (سلم) may also mean "embrace Islam."

that Nizām Shāh should subdue and annex the country of Berar, and 'Ādil Shāh the dominion of Telenganah, thus dividing Southern India equally between each other.¹

چنان مقرر کردند که نظام شاه
مملکت برار و عادل شاه
مملکت تلنگانه را مسخر ساخته
دکن را میان یکدیگر
متساوی بخش کنند

The chief point agreed upon, in this treaty, was that one would not interfere if the other conquered the territory allotted to him and would recognise as the sphere of his influence and his interest.

Neutralisation and No-Man's-Land.

That there exist tracts of land, especially on the frontiers, where neither of the neighbouring states exercises authority has been known to classical Muslim jurists. Thus, Raḍiy-ud-Dīn as-Sarakhsīy writes that a Muslim subject, temporarily residing in a belligerent state, may bring under his protection an enemy person to Muslim territory; and such a person will be considered as a bona fide resident alien, because, although the protection given by a Muslim, residing in belligerent country, is void, yet,

as soon as they have arrived at a place between the two territories, *where no one has authority*, they are relieved of the jurisdiction of the belligerent state, and the protection given her by the Muslim becomes valid and she cannot be taken prisoner under Muslim authority unless she had reached a place where the Muslims find themselves safe (i.e., Muslim territory).²

... انهما لما وصل الى موضع
فاصل بين الدارين لا يد لأحد
عليه فقد خرجا من منعة أهل
الحرب وصح أمان المسلم فيه
اياها وهي لاتصير مأخوذة
بدار الاسلام ما لم تصل الى موضع
يأمن فيه المسلمون

CHAPTER IV

Jurisdiction

IN time of peace many *things* as well as *persons* come under the jurisdiction of a state :

1. Things :

(a) Property of the Government as well as of its subjects situated within the territory of a state,

1. تاریخ فرشته , (printed at Poona, 1247 H.) II, 212.

2. المحيط , Vol. I, fol. 603b (MS. Waliuddīn, No. 1356, Istanbul).

- (b) Property within territorial waters,
- (c) Ships, etc., belonging to the state or its subjects on open sea or in the air,
- (d) Embassies in foreign countries ;
- 2. Persons :
 - (a) Muslim subjects residing within the state,
 - (b) Non-Muslim subjects within the state,
 - (c) Subjects residing temporarily in a foreign country,
 - (d) Citizens of one Muslim State in another,
 - (e) Muslim citizens of a non-Muslim State,
 - (f) Resident aliens in Muslim territory.

The jurisdiction is not alike regarding each and every of them.

Things.

There is not much to say regarding *Things*. Cases arising regarding these *things* will be adjudicated by judges of the Muslim State according to Muslim law. We have dealt with the abnormal no man's land in the previous chapter. More on the non-Muslim subjects of the Muslim State will be discussed in the following section, under *Persons*. Contracts, mortgages, etc., will also be dealt with there.

Persons.

(a) *Muslim subjects at home.*

The first category of persons does not belong to our subject except in so far as the naturalisation of foreigners is concerned. According to the Qur'ānic principle that "The believers are naught else than brothers,"¹ it implies that as soon as a Muslim migrates from his non-Muslim home and comes to Islamic territory, with the intention of residing there, he at once becomes a full-fledged Muslim citizen of the Muslim State ; he has the same rights as the other Muslim citizens and the same obligations as they. We may refer in this connexion to the oft-quoted instructions of the Prophet in which he commanded : " Ask them to embrace Islam. If they comply, molest them no more but ask them to migrate to the Territory of Migration. If they do that, they will have the same rights as the migrants (i.e., Muslims) and same obligations as they. If they refuse to migrate, inform them that they will be considered like the wandering or non-resident Muslims (كأعراب المسلمين). They will have, however, to observe the Divine laws even as all the believers ; they will not share the booty

1. Qur'ān, 49 : 10.

and spoils captured by the Muslim armies except when they come and join in fight along with them.”¹

I may refer to a rule which has some bearing on the question. If a Muslim travels abroad, he gets a concession regarding the length of his five daily services, yet if he decides to stay in a place for fifteen days, he becomes a settled resident and the concession is withdrawn. This rule, called the rule of *qaṣr aṣ-ṣalāt*, is based on a Qur’ānic verse² with many amplifications on the authority of the Prophet. I mean to emphasise that a foreign Muslim required originally only the intention of at least a fortnight’s stay to become a settled and regular citizen. In quite recent times, however, geographic nationalities are making certain discriminations, and even the orthodox Sa’ūdian Arabia has promulgated laws as to how a foreign Muslim may acquire citizenship in her dominions. Prevalent international conditions have necessitated that.

(b) *Non-Muslim subjects at home.*

Muslim law has maintained a considerable distinction between Muslim and non-Muslim subjects. In many respects the latter are better off. They are exempt from the surplus property tax (*zakāt*)³ which all the Muslims, male or female, young or old, pay every year at the rate of 2½ per cent. on their cash, commercial goods, herds of cattle, etc., above the minimum of about O.S. Rs. 40 (£ 2-10). They are also exempt from conscription,⁴ whereas all Muslims are subject to compulsory military service. They enjoy a sort of autonomy: their cases are adjudicated by their co-religionists in accordance with their personal law.⁵ Their life and property is protected by the Muslim State even as those of the Muslim subjects.⁶ In return for all this, they are required to pay annually from 12 to 48 drachmas (about two to eight rupees) per head, with several exceptions as under:

“The capitation tax is exacted only from males. Women and minors are exempted. The rich have to pay 48 drachmas, the man with average means 24, and the one practising handicraft for livelihood, like the peasant, 12 only, which will be collected from them

1. *Ṣaḥīḥ* of Muslim, V, 139-40.

2. Qur’ān, 4: 101. Cf. also Ṭabariy, *Tafsīr*, regarding the same verse.

3. *Ash-Shaibāniy*, كتاب الأ صل, ch. الصلح, (MS. Ayā Sōfiya No. 1076, Istanbul); ‘Abdal-‘Aziz-ibn-Muḥammad ar-Raḥabīy, شرح كتاب الخراج لابن يوسف, fol. 247b (MS. Lālēli No. 1609, Istanbul); Abū-Yūsuf, *Kharāj*, p. 70.

4. Cf. Ṭabariy, *History*, I, 2497, 2665.

5. Qur’ān, 5: 44-48. For practice in the time of Caliph ‘Umar, see *Dictionnaire d'Histoire et Géographie Écclesiastique*, s. v. Antioche, Col. 594. For rights and duties of such communal chiefs of a later time see Ibn-Faḍlallāh al-‘Umarīy, التعريف بالمصطلح الشريف, pp. 142-46.

6. Commands of the Prophet cited by Abū-Yūsuf, *Kharāj*, p. 71.

once a year. Instead of cash, they may pay the value . . . Further the capitation tax is not exacted from the indigent (محتاج) who receive charities, nor from the blind who have no profession and do not work, nor from the chronically sick receiving charities, nor from the crippled—except those chronically sick and crippled and blind who are rich—nor from the monks in convents . . . , nor from the very old who can neither work nor have wealth, nor from the lunatic . . . And O Commander of the Faithful ! May God help thee ! It is necessary that thou shouldst treat the *people who were protected* by thy Prophet and thy cousin Muḥammad (i.e., the non-Muslim subjects) with leniency, and inquirest about their conditions so that they are neither oppressed nor given trouble nor taxed beyond their capacity, nor any thing of theirs is taken from them except with a duty encumbering them. For it is reported from the Messenger of God who said : Whoever oppresseth a non-Muslim subject or taxeth him beyond his capacity, then I shall be a party to him. And the last words which the Caliph 'Umar-ibn-al-Khaṭṭāb uttered at his death-bed, included the following : I exhort my successor regarding the treatment to be meted out to the *people protected* by the Messenger of God (i.e., non-Muslim subjects) : They should receive the fullest execution of their covenant, and their life and property should be defended even by going to war, and they should not be taxed beyond their capacity Once 'Umar passed along a street where somebody was asking for charity. He was old and blind. 'Umar tapped his shoulder from behind and said : From which community art thou ? He replied : A Jew. He said : And what hath constrained thee to what I see thee in ? He replied : I have to pay the capitation tax ; I am poor ; and I am old. At this 'Umar took him by the hand and led him to his own house and gave him something from his private coffers. Then he sent word to the cashier of the *Baitul-Māl* (State Treasury) : Look at him and his like. By God ! We should never be doing justice if we eat out his youth and leave him deserted in the old age. 'The government taxes are meant for the poor and the indigent' (Qur'ān, 9 : 60)—the *poor* are the Muslims, and this one is an *indigent* from among the Scripturaries. And 'Umar remitted the capitation tax from him and his like.'"¹

Again, slaves are also exempted for this tax.² If the non-Muslim subjects render military service, at their will, they are exempted from it during the years of active service.³ There are instances when this tax was remitted during a whole lifetime for meritorious public service, as for

1. Abū-Yūsuf, *Kharāj*, pp. 69-72.

2. Ibn-Rushd, *بدایة المجتهد*, 1, 371.

3. Tabariy, *History*, 1, 2497, 2665.

instance the Caliph 'Umar did when a non-Muslim subject helped in selecting the site for digging a canal from Cairo to Red Sea.¹

According to a will of the Prophet, non-Muslims are not to be permitted to settle in Arabia proper,² otherwise there are no restrictions on their movements and domiciles. If non-Muslim foreigners want to settle in Muslim territory permanently or for more than a year, they have to pay this "protection tax."

The law of the capitation tax was originally laid down by the Qur'ān³ regarding the Scriptuaries (أهل الذمة or أهل الكتاب). This term is interpreted as applying to the Jews and the Christians. The Qur'ān is silent in this connexion regarding other non-Islamic creeds. The practice of the Prophet⁴ and that of the Orthodox Caliphs⁴ has, however, decided that all non-Muslims may be tolerated as subjects. So 'Uthmān accepted capitation tax from Berbers and 'Abdulmalik from Brahmins of India. Abū-Ḥanīfah opines⁵: أهل الشرك كلهم ملة واحدة (all non-Muslims will be considered as one category). Ash-Shaibānī⁶ also remarked in similar terms الكفر ملة واحدة —although these remarks were made on occasions other than the discussion of capitation tax. As-Sarakhsīy, after a prolonged and scholarly discussion, concludes:

"It is clear from this that the mention of the Scriptuaries in the Qur'ān is not to restrict the rule but only to show that capitation tax may be accepted from the Scriptuaries."⁷

More explicit is Abū-Yūsuf:

"The capitation tax is accepted from all non-Muslims, whether the Magians, the worshippers of idols or fire or stones, the Sabeans, the Samaritans, except the apostates from Islam and the idolaters of Arab origin."⁸

Naturalisation through Application.—If some foreigners come to Islamic territory and apply for naturalisation, the authorities may grant the request. In the time of Badr-ud-Dīn Ibn-Jumā'ah, when non-Muslims

1. As-Suyūṭīy, خلیج امیر المؤمنین ch. حسن المحاضرة فی اخبار مصر والقاهرة.

2. Cf. *supra*, part I, ch. vi, § 9.

3. Qur'ān, 9: 29.

4. As-Sarakhsīy, المبسوط, X, 119; Abū-Yūsuf, *Kharāj*, p. 74ff; Ibn-Mājah, 17: 41 Tirmidhiy

19: 31; Shāfi'iy, الأم, IV, 96. (Order regarding the Majus, i.e., Parsis and Barbarians).

5. Cited by ash-Shaibānīy, الاصل, II, 141-42, (MSS. Nos. 741-46 in Wafā-ʿĀtif, Istanbul).

6. Ibid.

7. المبسوط, X, 119.

8. الخراج, p. 73.

were granted naturalisation, there was a special register in which entries were made as to their names, distinguishing features, age, and religion; monitors (عريف) were appointed from among them to control their affairs and take notice of deaths, travels, returns from abroad, reaching the age of majority, and also to attend them at the time of the annual capitation tax.¹

There does not seem to be any probation period suggested by jurists, yet obviously it lay with the government to decide whether to grant the request for naturalisation or to reject it just in the same way as it lay with the government to grant temporary permits of sojourn.

Naturalisation through Marriage.—According to Islam, a wife acquires the citizenship of the country of her husband.² Thus, if a non-Muslim alien girl marries a Muslim or even a non-Muslim *subject* of the Islamic state, she becomes a subject of the Muslim state. The same is the case if an alien couple come to Islamic territory and the husband acquires citizenship of the Muslim state, his wife also becomes a subject of the same state.³ Obviously, if a non-Muslim alien marries a girl who is a subject of the Muslim state, he does not automatically become a Muslim subject.⁴ His wife, however, would lose Muslim citizenship.

(c) Muslims in Foreign Territories.

Muslim law is intensely personal, and embraces all the acts of life no matter where. We have seen in Section (a) of this Chapter that the Prophet ordered the non-resident Muslims to observe Muslim law wherever they might be. Hence the *dictum* of Abū-Yūsuf⁵ المسلم ملتزم احكام الاسلام حيث ماكان (a Muslim is to regulate his conduct according to laws of Islam wherever he may be). It goes without saying that this depends upon the liberty enjoyed in foreign countries.⁶ We shall return to this question presently. Yet it is to be said that although Muslim jurists insist so much on the personal character of their law, they make a sharp distinction between jurisdiction of a Muslim court and that of a foreign court over a Muslim, on the one hand, and moral obligations on the other; and they do not hold him responsible in a Muslim court for acts

1. Badr-ud-Dīn Ibn Jumā'ah, تحرير الاحكام في تدبير اهل الاسلام, fol. 55a, ch. 17 (MS. Lālēli, Istanbul. The work has since been edited in the German Magazine, *Islamica* Vol. VI.).

2. As-Sarakhsiy, شرح السير الكبير, IV, 115ff.; al-Kāsānīy, بدائع الصنائع VII, 110.

3. As-Sarakhsiy, *ibid.*

4. *Ibid.*

5. Cited by as-Sarakhsiy, المبسوط, X, 95.

6. According to the Qur'ān (cf. 12: 75), Egypt, of the time of Joseph the Patriarch, administered justice to foreigners, even in criminal cases, according to their own personal laws (and hence the enslaving of Benjamin on the authority of من وجد في رحله فهو جزاءه كذا لك تجزي القائلين).

done in a foreign territory. And on the same basis, they acquit a foreign non-Muslim from all his acts committed in foreign territory even against a Muslim subject, such as murder or theft).¹ Dealing with the question, as-Sarakhsīy says :

If a Muslim enters the territory of non-Muslims by their permission, and lends, or borrows from them money, or usurps their property or his property is usurped there, his case will not be heard (in the court of the Muslim territory), because they did that in a place outside Muslim jurisdiction. As for the Muslim who usurped their property after guaranteeing them not to do that, we hold this because he violated *his* pledge, not the pledge of the Muslim ruler. Nevertheless, jurisconsults will advise him to return the property though the Muslim court will not compel him to do that. And as for the foreigners in their homes who usurped the property of the Muslim, we hold this because they violated their pledge in a place where they were not under the Muslim jurisdiction. So, if they kill him, they will not be held responsible. If they destroy his property or usurp it, the same holds good in a pre-eminent degree. All this because the Muslim took the risk and exposed himself to that when he quitted the Muslim *resisting power* *منعة*, (i.e., jurisdiction). The same is true of monetary loans, if they come to Muslim territory... If a Muslim has gone by permission to non-Muslim territory and destroyed there life or property, he will not be held responsible in the Muslim court if the other party comes to the Muslim territory. This is because had they committed the same against him, they would not have been held responsible in the Muslim court, on the principle that they were there not under Muslim jurisdiction. So he when he did that with them ; yet it is improper (*مكروه*) for the Muslim under his religion to violate his pledge with them, for the violation of a pledge is forbidden (*حرام*), and the Prophet has said : Whoever violates a pledge, a flag will be hoisted over him on the Day of Judgment in order to point out that he was a traitor. It is on account of this that, when he violated with them his pledge and thus acquired some property and brought it over to Muslim territory, it would not be desirable for another Muslim to purchase it if he knew the fact. For the acquisition was through evil means, and the purchase would be a persuasion to do the like again, and that is not proper for a Muslim. This is based on the tradition that al-Mughīrah-ibn-Shu‘bah killed his companions and plundered them and brought their belongings to Madinah, where he embraced Islam and asked the Prophet to treat the plunder as war booty and tax the fifth of it in favour of the public treasury. The Prophet said : As for thy conversion to Islam, we accept it ; but as for thy property, it was

1. *Mabsūṭ* of as-Sarakhsīy, X, 95.

acquired by treachery, and we do not require that.—This prohibition to purchase is not absolute but only the purchase is improper.”¹

In spite of the insistence of Muslim jurists on Muslims being bound by their own laws wherever they may find themselves, it cannot be denied that Muslims in foreign territories live there on sufferance and they are subject to twofold restrictions. Firstly, Muslim law itself reduces their legal capacity; for instance, such a Muslim cannot give quarter, during his stay abroad, to a non-Muslim so as to bind the Muslim State, which he could do had he done that in the Muslim territory.² Secondly, such Muslims have to accommodate themselves to the laws of the country where they are living. This requires some discussion.

During the time of the Prophet, the Muslims had taken refuge for some years in Abyssinia. This was at a time when a Muslim state was not in existence, though at the time of their return from exile one such had been established in Madinah. The historians inform us that the Muslims enjoyed in Abyssinia perfect freedom of conscience. The Prophet had recommended that refuge saying that a just ruler governed there. The refugees testify to the fact that they worshipped there according to their rites, and celebrated daily services, and nobody maltreated them nor abused them by unpleasant words. The Negus refused the demand of the Meccan delegates for their extradition, and after hearing both sides assured the Muslims that they were safe in his territory.³

On the other hand, during the same time of the Prophet the Byzantine governor of Ma‘ān embraced Islam whereupon the Emperor ordered him to abjure his religion, and on his refusal beheaded him.⁴ Muslim historians mention another case of a high church-dignitary who was lynched by the Byzantine mob on his declaration of embracing Islam.⁵

Cases of good or bad treatment of Muslim minorities in later epochs are innumerable, some of which we shall presently mention. From all these we come to the conclusion that it depended more on the whim of the rulers, in those days, than on any fixed rules based on reciprocity and consistency.

The question of Muslims in foreign countries had given rise to capitulations which require some description. But for want of precise data at present, we shall quote some passages of interest rather than deduce rules from them:

(1) In the year 31 H., a pact was concluded between the Muslims and the king of Nubia in which it was stipulated that no objection would be raised if Muslims visited his country or celebrated their

1. As-Sarakhsiy, *Mabsūf*, X, 95-97.

2. *Idem*, p. 70.

3. Ibn-Sa‘d, I/1, p. 136; Ibn Hishām, p. 217ff., 716ff.; Tabariy, *History*, I. 1603; Ibn-Hanbal, IV, 198; *Rivista degli Studi Orientali*, Vol. X (1923), pp. 90-98.

4. Ibn Sa‘d, Vol. 1/2, p. 31— Ibn Hishām, p. 958. For texts see my *Corpus* or *الروايات السياسية*

5. Tabariy, *History*, I, 1567.

services in the mosque in Dongola, his capital. Some provision for extraditing criminals was also made in the treaty.¹

(2) In the time of al-Hajjāj-ibn-Yūsuf, when many Muslims fled from 'Irāq and wanted to take refuge in Malabar (India), the local chiefs required of them to wear local dress and observe local customs. Here is what we know about it :²

باعانت باد موافق و مخالف مختلف بنادر میں پہنچے۔ ہنود اس نئی قوم کو دیکھ کر اترنے میں مانع ہوئے۔ آخر میں نہایت عاجزی و التجا کرنے کے بعد عہد و پیمان لے کر اترنے کی اجازت ملی۔ اولاً انہیں بنادر میں قول و قرار نامہ دے کے فروکش ہوئے۔ اقرار نامہ اس بات کا تھا کہ ہنود کی طرز و روش میں رہیں اور لباس بھی اس دیس کا اختیار کریں۔ غربائے اسلام نے بامر لاجاری، بمصداق ضرب المثل ”جیسا دیس ویسا بھیس“ ہنود کا لباس اختیار کیا اور اہل اصنام کے ساتھ مل جل کر شیر و شکر کی طرح رہنے لگے اور مقتضائے حال کے موافق ہر ایک نے پیشہ و حرفہ اختیار کیا اور کمال ہوشیاری سے زندگی بسر کرتے تھے۔ اور اسلامی شعار نہایت احتیاط سے ادا کرتے تھے۔ اذان و قرأت و قرآن اس طرح پڑھتے تھے کہ کوئی فرد ہنود نہ سنے۔

That is :—

[The persecuted Muslims] somehow or other, reached different ports [of South India]. The Hindus, seeing them of a different nationality, prevented them from landing. After long solicitude and humble petition, however, they let them settle in those ports. This was on the condition that they (the Muslims) would follow Hindu customs and would wear the costume of the country. The poor Muslims were constrained to accept the terms; and “as the country, so the dress,” they took to wearing Hindu costume. They took to different professions according to their conditions. They had to be very careful, and they observed extreme scruples [lest they be detected]. So they performed the *azān* (call to the religious service) and the recitation of the Qur'ān in a way that no Hindu could hear them.

(3) Muslims had penetrated in the very time of Caliph 'Umar into the seacoast of Bombay and Sindh.³ When the Hindus recaptured Sindh, they left the mosque in the possession of the Muslim population which did not evacuate the region, where it could hold its Friday service and even pray for the Caliph.⁴

(4) Mas'ūdīy visited India in the first decade of the fourth century of Hijra. He writes : In the year 304, I visited Saimūr (modern Chaul) which is part of Lār (Gujrāt) and is ruled by Balharā. The name of the prince who ruled at that time was Chancha. There were about ten

1. Maqrīzīy, *Khīṭaṭ*, ed. Bulaq I, 200, or my *Corpus*.

2. *محبوب الوطن* by 'Abdul-Jabbār Khān, p. 40.

3. Al-Balādhuriy, *فتوح البلدان*, ch. “Conquest of Sindh”; Qudāmah-ibn-Ja'far, *کتاب الخراج*, ch. “Conquest of Sindh” (MS. No. 1076, Kōprülü, Istanbul).

4. Qudāmah, *op. cit.*, last page of the Istanbul manuscript, ch. VII, section 19.

thousand Muslims, including the *Bayāsirah*, natives of Sirāf, 'Umān, Baṣrah, Baghdād and other regions who had married there and settled there permanently. Among them were rich merchants like Mūsā-ibn-Ishāq as-Sandalūnīy who occupied at that time the post of *Hunermah*. . . *Hunermah* signifies the post of the chief of the Muslims, for in this country the king appoints the most distinguished Muslim as the chief of the Muslim community, to whom he delegates all their affairs. By the term *Bayāsirah*, singular *baisar*, they mean those who were born in India of Muslim parents.¹

The same author says : In the whole of Sindh and Hind, there is no king who respects Muslims more than the Balharā. Islam is strong and protected in his kingdom. There are petty mosques as well as cathedral mosques full of Muslims. Its rulers rule for forty and fifty years and even more, and the people of his country pretend that the length of the age of their kings was due to their justice and benevolence to Muslims.²

(5) Another very old author, the navigator Buzurg-ibn-Shahriyār (of the middle of the fourth century of Hijrah) mentions : Theft is generally punished in India by death. If the thief be a Muslim, he is adjudicated by the *Hunarman* of the Muslims who judges according to Muslim law. The *Hunarman* is like the Qāḍī in Muslim countries. He is selected from among the Muslims.³

The same author tells us that once a newcomer, a Muslim sailor, violated the sanctity of a temple in Ṣaimūr. One of the priests caught hold of his hand and took him before the king of Ṣaimūr and related to him the whole affair. The sailor confessed that he had done that. The king asked the people around him : What should we do with him ? Some said : Let him be trampled by elephants. Others said : Vivisect him. No, said the king, this is not permissible, since he is an Arab, and there are pacts between us and them. So one of you should go to al-'Abbās-ibn-Māhān, the *Hunarman* of the Muslims and ask him : What would you do if you found a man in similar conditions in a mosque ? And see what he says⁴ . . .

(6) Ibn-Hawqal, too, testifies to the same custom in India as well as in many other countries. He says : Nowadays it is a Muslim who governs them (i.e., the Muslim colony) on behalf of the Balharā, who delegates to him the authority over them. This custom I have found in many other countries now under non-Muslim occupation, like *Khazar*, *Sarīr*, *Lān*, *Ghānah* and *Kūghah*. In all these countries the Muslim community does not accept that its chief, its judge and the witnesses in its disputes be anyone except Muslims, this even when their number is very small. In some of these countries I found Muslims who presented

1. *Murūj adh-Dhahab* (European ed.), II, 86.

2. *Idem*, (Egyptian ed.), I, 74.

3. *Merveilles de l'Inde* (عجائب الهند), p. 160-61.

4. *Idem*, p. 143.

sometimes trustworthy non-Muslim witnesses. If the other party agrees to it, their evidence is relied upon ; if not, they are replaced by Muslim witnesses.¹

(7) Malabar had had contact with Arabs of even pre-Islamic days. Muslim colonies of the South Indian seacoast date back to the days of the Companions of the Prophet.² Malabar did not change much during the long centuries. A comparatively late author, of the time of Portuguese attacks, Zain-ud-Dīn al-Ma'bariy, states : In the whole country of Malabar, there is no ruler for the Muslims of their own who should rule over them, but it is non-Muslims who rule over them, administer their affairs, and fine them when they commit some delict. In spite of that, the Muslims enjoy among the people of this country great respect and power, for it is mostly on account of them that their cities flourish. The Muslims can hold Friday and 'Id services. They (the local chiefs) pay the salaries of the Qādīs and the Mu'azzins, help in the enforcement of the rules of the *shari'ah* among the Muslims, and do not allow that Friday service be suspended ; and if anybody tries to suspend it, they punish him and fine him,³ in most cities. If any Muslim commits a crime which must be punished with death according to their laws, they behead him with the permission of the Muslim chiefs. Then the Muslims take possession of the dead body, bathe it in the ritual manner, clothe it with shrouds, celebrate the death-service over it and bury it in the graveyard of the Muslims. . . . They do not tax the Muslim merchants except the usual tithes, or the fines when they commit delict punishable with fines according to their laws. The agriculturists and horticulturists are not at all taxed even when they own big properties. They do not enter the houses of the Muslims without their permission, even to arrest a murderer, but surround his house and force him to surrender through constant vigilance and hunger and the like. They do not put obstacles in the way of conversion to Islam ; on the other hand, they pay the same respect to the new convert as to the other Muslims, even when the convert belonged to the lowest caste among them. In olden times, Muslim merchants used to subscribe for the help of such a one.⁴

(8) Regarding China, Mas'ūdī mentions that once a Chinese official in *Khānfū* oppressed a Muslim merchant, who trusting in the justice of the ruler of the country, went at once to the capital, put on the red uniform of complainants and attended the court. In due course he was presented before the monarch who, having ascertained the story

1. Ibn-Hawqal, *المسالك والممالك*, pp. 227-28.

2. *Revue des Études Islamiques* (1938), p. 104.

3. The writer of these lines witnessed similar conditions in 1939 in Aundh, a tiny Hindu (non-Muslim) State on the Western Ghats. There the Rāja functioned as the chief Qādī, and Muslims were fined by him if they neglected the congregational Friday service. For conditions in Cochin, etc., see Qādir Husain Khān's article, in the *Christian College Magazine*, Madras Nov. & Dec. 1912, Jan. & Feb. 1913.

4. *تحفة المجاهدين في بعض أخبار البرتغاليين* (ed. Lisbon), pp. ٣٥-٣٦/32-33. (end of part iii).

from several of his secret service officers, punished the official, and, bestowing on the Muslim merchant right royal gifts, told him : If thou likest, sell thy goods to us at bargain price ; otherwise thou hast the right of final decision regarding thy goods. So, stay if thou likest, sell as thou pleasest, and return in safety wherever thou intendest to go.¹

(9) Another author (of as early as the third century of Hijrah) is more explicit : The merchant Sulaimān reports that at Khānfū which is the rendezvous of merchants, a Muslim is charged by the ruler of the country to adjudicate the disputes that arise between the members of the Muslim community arriving in the country. Such was the desire of the king of China. On days of festival, this chief of the Muslims conducts the service of the Muslims, pronounces the sermon and prays for the Caliph (سلطان المسلمين) therein. The merchants of 'Irāq cannot rise against his decisions. And in fact he acts with justice in conformity with the Qur'ān and the precepts of Muslim law.²

(10) Regarding people near the Caspian Sea, Mas'ūdī records : In the country of Khazar, the Muslims are the elite because they constitute the army of the king. They are known there as Larshiah. They were immigrants from Khwarizm. Long ago, after their embracing Islam, a famine attacked their country and they migrated to Khazar. They are very fine soldiers and the king of Khazar trusts in their prowess in his wars. They have settled in his country on conditions they have contracted, viz., firstly, open profession of their religion and mosques and the service calls (*adhān*) ; secondly, selection of the minister from among them . . . ; thirdly, if the king of Khazar has to fight some Muslim power, they would not be employed ; else they would fight against any other nation. They provide the bodyguard of the king . . . They have Muslim Qādīs. In the capital of Khazar the custom is that there are seven judges, two Muslims, two Khazarites, two Christians, one for Slaves and Russians and all the rest of the Ignorant People . . . If any difficult question arises, they all refer it to the Muslim judges and agree to what the Muslim law provides for it . . . They have mosques in which there are Qur'ānic schools for children.³

In general, Muslims temporarily residing in a foreign country are recommended very strongly, in Muslim literature of law and morals, to behave in an exemplary and law-abiding manner : to observe fully the conditions of their permit or passport and to refrain from any act of treachery. So much so that even if war has broken out between their local government and their home government, the Muslim subject must refrain, as long as he is staying in the enemy country, from warlike activities and treacherous deeds.⁴ They must observe in all details the condi-

1. *Murūj* (ed. Egypt), I, 60.

2. *Relations des Voyages du marchand Soleyman*, (سلسلة التواريخ) ed. Reinaud, pp. 13-14.

3. *Murūj* (ed. Egypt), I, 78.

4. *As-Sarakhsīy*, *Mahsūt*, X, 98.

tions of their passport ; and avoiding treachery and violation of pledge alone they may, if possible and practicable, remove the wrong done to their co-citizens.¹ In one particular case, however, Muslim law is emphatic and urges the Muslims abroad to leave no stone unturned. It provides that if women and children of the subjects of the Muslim state, no matter whether Muslims or non-Muslims or even rebels, are captured by the state in whose territory the Muslim now resides, and these captives are brought into the country where he is living, he is entitled, if he likes, to renounce, first, the protection of the local government and then fight in order to relieve women and children of his compatriots.² The greater importance of women and children lay obviously in the fact that slavery was rampant in those days and their apostatising was more greatly feared than that of grown-up soldiers. Still two points are to be reminded. Without previous notice of renouncing the protection of the permitting state, the act contemplated is not permissible. Secondly, the obligation to protect women and children is not confined to those of Muslims only ; it applies as emphatically to all the citizens of the Muslim state irrespective of creed and status.

Muslims abroad are not allowed to join forces with the local government against its foe, except in self-defence or when it is feared that the enemies of their protector state would not respect the neutrality of the resident Muslims.³ In case of self-defence, there is no difference whether the state warring against the local government is non-Muslim or rebel-Muslim.⁴

(d) *Citizens of one Muslim State in another.*

We have seen above, under section (a), that all Muslims belong to one and the same nation. We have also seen that the division of Islam into several states, hostile at times, had to be admitted by jurists by force of facts. Very little is known, in classical times, of the special treatment reserved for such Muslims as go from one Muslim state to another. Therefore I quote the following interesting passage of Ibn-Jubair which is the only one I have come across so far :

Between the old and new Cairo there is a mosque attributed to Abu'l-'Abbās Aḥmad-ibn-Ṭūlūn. It is an old mosque, with fine workmanship and grand structure. Sultān Salāḥuddīn has allotted it as the boarding house for the poor Maghāribah (i.e., people of Western North Africa) who live and study there. He has also sanctioned for them monthly bursaries. The most curious thing which I was told by one of them was that the Sultān has delegated the adjudication of their cases to them and nobody is to govern them. So, they have elected one of themselves and

1. As-Sarakhsīy, *Mabsūt*, X, 98.

2. Ibid.

3. Ibid., pp. 97-98.

4. Ash-Shaihānīy, *الصلوة*, in *loc.*

obey him and make him arbitrate in the disputes that may arise between them. They live in comfort and at ease.¹

There are, however, instances of individuals migrating from the Abbasid Empire, for instance, to Spain, and *vice versa*, scholars, traders and others, without any hardship and restriction or any privileges. The close watch on suspected spies is beyond our scope here. There are instances also of rulers sending special commissions to purchase goods, manuscripts and the like. But they do not seem to have given rise to any legal arrangements for their treatment.

In our own times, owing to Europeanised conceptions of the policies of the Muslim states, there are provisions how to treat foreigners, and they apply to Muslims as well. We need not take notice of them, as they are not rules of Muslim law. In spite of all such rules, it cannot be denied, and my own personal experience testifies to it, that a foreign Muslim feels quite at home in any and every Muslim country of the world, and in private he is treated with the affection reserved for the nearest kin. Even government officials help him, in their private capacity, as much as they can.

(e) *Muslim Citizens of a non-Muslim State.*

So far as the practical implications of law are concerned, there is scarcely any difference between this category of foreign Muslims and the one just preceding. We have already seen in chapter 2 of this part, under *State*, that Muslim law recognises the existence of independent non-Muslim states in peaceful relations with the Muslim state, having a Muslim minority as their citizens. We have also seen there, in the Qur'anic quotations given, how such a non-Muslim state is free to make laws for its Muslim citizens as it pleases, and the Muslim state has no right to interfere on behalf of its co-religionists. Accordingly, it will be the terms of passport which will apply if they come, for temporary purposes, to Islamic territory.

In the time of the Prophet, a treaty of peace and extradition was concluded between the Islamic state and the city-state of Mecca, and the Prophet returned all the Muslims who came to him to seek refuge, this in spite of the fact that he was fully convinced of the fact that the Muslim minority was subjected to unbearable hardships and persecution in Mecca.²

(f) *Resident Aliens in Muslim Territory.*

Before we begin to discuss the general rules applicable to them, some preliminary remarks may be helpful in understanding the background against which they were originally set.

1. Ibn-Jubair رحمة الله عليه, p. 52 (Gibb Memorial Series, 2nd ed.).

2. Tabarī, *History*, I, 1547ff., 1551ff.

In the classical times of Islam, the law of passports seems to have been that the subjects of a state with which treaty relations existed (دارالعهد), needed no extra permission from the Muslim state to enter its territory (دارالاسلام) for a sojourn.¹ Again, those foreigners of third countries who were allowed to enter a state which was in treaty relations with the Muslims, could, further, safely enter Muslim territory.² In other words, friends of friends were also considered friends. Obviously this could not apply if the third state was at actual war (دارالحرب) with the Muslim state. In the absence of treaty relations, and non-existence of hostilities between his state and the Muslim state, the practice of the Prophet was to spare them unmolested if their bona fides was established, and a sort of posterior permit was granted. So, al-Bukhārī mentions that once a foreign non-Muslim came to Madinah with a herd of sheep and goats, apparently without any previous permit. Not only that he was not molested, but even the Prophet bought a goat of him.³ There is mention of the arrival of Nabatean caravans to Madinah in the time of the Prophet and afterwards,⁴ and obviously they came from beyond Muslim territory, either from Syria or Mesopotamia. If, however, a subject of a belligerent state entered Muslim territory without previous permit, he could be killed or enslaved or treated otherwise at the option of the authorities. The last also applied to his belongings. Needless to add that ambassadors have always been excepted from these rules. But this last category, the subjects of a belligerent state entering Muslim territory, will be dealt with more properly in Part iii of this monograph.

Moreover, to classical Muslim jurists, status of belligerency or friendliness is personal not local. Thus, a subject of a friendly state found in a belligerent place on its conquest by the Muslims, provided that he did not take part in the hostilities against the Muslims and did not act contrary to his obligations of neutrality, was still safe "just like a non-Muslim subject of the Islamic state found in a belligerent territory when the Muslims conquered it."⁵ And he must be allowed safe return.⁶ If, however, such a friendly alien was brought there lawfully by the belligerent state, for instance in the capacity of prisoner of war and was duly enslaved, he was to remain such.⁷

1. As-Sarakhsīy, شرح السير الكبير, IV, 133, Idem المبسوط, X, 89, referring to the classical case of Abū-Sufyān's journey to Madinah during the truce of Hudaibiyah. But he came more as an envoy than in his private capacity.

2. Al-Kāsānīy, بدائع الصنائع, VII, 109.

3. Bukhārīy, bk. الثرى والبيع مع المشركين ch. اطعمة bk. من أكل حتى شبع.

4. Mas'ūdīy, تنبيه, p. 248. Abū-'Ubaid, كتاب الاموال, § 1397—al-Qasṭallānīy, المواهب اللدنية, I, 223.

5. Sarakhsīy, المبسوط, X., 89.

6. Kāsānīy, بدائع الصنائع, VII, 110.

7. Sarakhsīy, المبسوط, X, 88; Kāsānīy, VII, 109; Fatāwī 'Ālamgīriyah, p. 222.

A passport could be annulled in the following cases :—

1. Expiration of the prescribed period.¹
2. Breach of conditions expressly mentioned therein as annulling the permit,² or implied as such in every permit.
3. Forged passport on discovery.³
4. Transmitting secrets of the Muslim state to the enemy.⁴

But the mere committing of criminal acts, even of murder, did not automatically bring the passport to an end. In such cases the criminal was to be tried and punished by a court of law.⁵

Generally speaking, non-Muslim resident aliens and other visitors have been accorded by Muslim law the same status as non-Muslim subjects of the Muslim state. *Ash-Shaibānī* explicitly says :

“It is a principle (of Muslim law) that the sovereign of the Muslims has the obligation to protect foreigners coming with permission, as long as they are in our (Muslim) territory, and to do justice to them—this in the same way as he has an obligation regarding non-Muslim subjects.”⁶

A foreign visitor is under the jurisdiction of Muslim courts during his stay in Muslim territory,⁷ yet he is free to indulge in certain acts penalised specially for the Muslims, such as intoxication. In this respect, however, there is some difference of opinion between *Abū-Yūsuf* and *ash-Shaibānī* : the former maintaining that a foreigner would be subject to the whole of Muslim penal code with the one exception of wine-drinking, and the latter making a distinction between the infringement of what are called Rights of God (حقوق الله) and Rights of Man (حقوق العباد), holds that a foreign non-Muslim will not be punished except for what is against the rights of man such as defamation, murder and the like.⁸

Ash-Shaibānī records :

“*‘Atīyah-ibn-Qais al-Kilābī* reports, the Prophet has said : Whoever commits murder or fornication or theft (in our territory) and escapes, and then returns with permission, shall be tried and punished for what he wanted to escape from. Yet if he has committed murder, or fornication or theft in the territory of the enemy and came with permission, he will not be tried for what he committed in enemy territory.”⁸

1. *Kāsānī*, VII, 110.

2. *Sarakhsīy*, شرح السير الكبير IV, 226-27.

3. Cf. *Sarakhsīy*, المبسوط, X, 93.

4. *Abū-Yūsuf*, *Kharāj*, p. 117, cf. *Raḍiyud-Dīn as-Sarakhsīy*, المحيط, fol. 361b, (MS. Hyderabad State-Library).

5. *Sarakhsīy*, شرح السير الكبير IV, 226, محيط لرضي الدين السرخسي, fol. 361b (MS. Hyderabad).

6. Do do, IV, 108, cf. p. 133 also.

7. *Sarakhsīy*, *ibid*.

8. Cited *ibid*.

Sarakhsīy adds : " This is the basis for the savants of our school of thought to rely upon."

On this basis, not only a delict or crime against a subject of the Muslim state, whether Muslim or non-Muslim, but even against a subject of his own state falls under the juridical competency of the Muslim court.¹ Whether for certain such acts he should be tried according to local laws or according to the laws of his own country depends upon treaty stipulations. In short, a foreign visitor will be responsible to the Muslim court for all his acts during his stay in the Islamic territory, and not for acts committed outside the boundaries of the Muslim state, even if against a Muslim subject.²

A foreign visitor will have the right to bring a suit even against a local Muslim, in the Muslim court.³ According to classical Muslim jurists, this right is not forfeited by the outbreak of war between his country and the Muslim state where he is residing.⁴ This is valid even when Muslim residents are deprived of this right. For, one's burden cannot be borne by others (Qur'ān, 6 : 165) and the Muslims must fulfil their promises.⁵

Litigations between foreign visitors and Muslim subjects regarding debts, securities, pledges and mortgages, inheritance, wills and the like, belong perhaps more appropriately to Private Law or special treaties rather than to our subject.

Import customs and other taxes levied on foreigners or foreign goods may be governed by Municipal law as well as express treaties. Ash-Shaibānīy, for instance, says, if the property of minors or women of Muslim citizenship are exempt in a foreign country from customs duties, the subjects of that state will be similarly privileged in Muslim territory.⁶

There is an aspect of the jurisdiction of non-Muslims, subjects as well as foreigners, which we shall describe in the following section, under "Special Privileges."

Extraordinary Cases in Jurisdiction.

As a general rule, a territory falls under the judicial competency of the state under whose dominions it lies. But there are exceptions and extraordinary cases which will be described immediately :

1. Sarakhsīy, شرح السيرة الكبرى, IV, 109 ; Raḍiyud-Dīn as-Sarakhsīy, *op. cit.*, ch. *Hukm'ul-musta'min*, fol. 601a (MS. Waliuddin, Istanbul).

2. Sarakhsīy, المبسوط, X, 93.

3. Ibid.

4. Kāsānīy, VII, 107, ll., 15-16.

5. More on this in part III, War.

6. Ash-Shaibānīy, الاصل, I, 150b, ch. *Zakāt* (MS. Wafā-'Āṭif, Istanbul).

(1) *Head of the State.*

It cannot be denied that heads of states occupy a unique position within the realm, yet unlike many systems of law which declare that the king can do no wrong, Muslim law does not give this extreme immunity. Whatever the Muslim ruler does in his capacity of ruler, such as in the administration of justice, no suit may be instituted against him. On the other hand, if the ruler does a thing in his private capacity, he is as liable to be tried before an ordinary Muslim court as any other Muslim subject, for the rulers are as much subject to law as the citizens of a state. Thus it was that the Prophet heard cases against his proper person. In the time of the Caliphs, complaints were made in the court of the Qāḍī of the metropolis, and Abū-Bakr, 'Umar, 'Alī and many an Umayyad and 'Abbasid Caliph attended the court at the summons of the judges. On the same basis, if the rulers had any private claim, they instituted a suit in the court and did not assume the position of judge as well as party to the case. Cases of the latter kind, however, are met with during the early classical times, the Orthodox Caliphate; I have not come across cases in later history of Islam.

As the subject is rather of unusual importance, I should like to give the details of the cases, in order that the reader may have a better perspective :

The Time of the Prophet.—All the following cases have been taken from the biography of the Prophet by ash-Sha'mī,¹ chapter "His giving retaliation against his own person," if not otherwise stated :—

(a) Ibn 'Asākir records on the authority of Ḥabīb-ibn-Maslamah : Once the Prophet unintentionally injured the skin of a Bedouin, who claimed retaliation. Then the angel Gabriel came to him and said : O Muḥammad ! Lo ! God hath not sent thee as either a tyrant or an arrogant. Whereupon the Prophet called upon the Bedouin and said : Take retaliation from me.

(b) Ibn-Ishāq records the following on the authority of a certain Companion of the Prophet who said : I pressed my way through on the day of Hunain, and on my feet were heavy sandals with which I trampled on the leg of the Prophet. He whipped me with a whip in his hand. . . . The next morning he caused me to come and gave me eighty goats and said : Take this for that.

(c) Ibn-Ḥibbān records : On the day of Badr, the Prophet was inspecting his army, drawn up in files, and dressing the formation if anybody was not in his proper place. He had a baton in his hand with which he struck a soldier on the belly who had pushed a bit forward. The soldier complained and demanded retaliation. The Prophet raised his shirt and offered his belly for treatment in a like manner. (The story is also mentioned by Ibn-Hishām, p. 444).

1. I have consulted the manuscript in the Qarawīyīn Mosque, Fās.

(d) Ad-Dārimīy, Ibn-Humaid and 'Abd-ar-Razzāq record on the authority of Abū-Hurairah and Abū-Sa'id (al-Khudrīy): Once there was an old man among the Meccan Muslims who wanted to have a private talk with the Prophet. The Prophet was about to start on an expedition. On the morning of the start, he mounted on his camel and wanted to go to the camp to lead the morning service before departure, when the old man stopped him and would not let him proceed before attending to him. The Prophet whipped him away and went. After the service, he turned to the assembly with a grave face and said: Where is the man whom I have just whipped?—and repeated it several times. The man was terrified and began to apologize but the Prophet said: Let him approach; and when he did so, he said: Take this same whip and take your revenge. He said: Impossible that I whip the Prophet of God! The Prophet said: Except that you forgive!

(e) Ibn-Hanbal, Abū-Dāwūd, and an-Nasa'iy record on the authority of Abū-Sa'id al-Khudrīy who said: Once when the Prophet was distributing some booty, a man came and leaned upon him. He struck him with a baton in his hand and hurt his face. Whereupon the Messenger of God said: Stand up and take thy *talion*!

(f) Ibn-Qāni' records on the authority of 'Abdallāh-ibn-Abī (? Abī-Umāmah) al-Bāhilīy who said: I came to the Prophet during his last pilgrimage and saw him on his camel. I clasped and folded his leg with my arms. He whipped me. I said: Talion! O Messenger of God. He handed me the whip whereupon I kissed his leg and foot.

(g) Muḥammad-ibn-'Umar al-Aslamīy records: When the Prophet was proceeding from Ṭā'if to al-Ja'irānah, Abū-Dahm was riding on his camel beside the Prophet and his sandal rubbed the leg of the Prophet and pained him. The Prophet said: "Thou hast hurt my leg. Withdraw thy foot." And he whipped my leg. Abū-Dahm says: I was terrified lest something should come in the Qur'ān regarding me and I should be scandalised. Although it was not my turn, I went to graze my camels that day, fearing lest he should call upon me. In the evening when I collected the beasts and went to the camp, people told me that the Prophet was inquiring after me. Trembling I went to him. He said: Thou didst pain me with thy leg and I whipped thee. So take these goats as a recompense for my blow. Abū-Dahm says: The pleasure of the Prophet was dearer to me than all the world and that therein is.

(h) In the closing days of his life the Prophet addressed a public gathering and said:

Gentlemen! You may have had claims against me. If I have whipped anybody's back, let him retaliate on this my back. If I have condemned or censured anybody's honour, so here is my honour to take revenge upon. If I have taken anybody's property, here is my property; let him take it, and let him not fear higgling on my part, as it is not my habit. In fact, dearest to me is the one who takes his claim from me if he has a right thereto, or forgives me.

Thus I shall meet my Lord with clear conscience.—A man rose and claimed that the Prophet had borrowed some money from him. This was at once paid to him.¹

(j) Al-Baihaqīy, Ibn-Hibbān, at-Ṭabarānīy and Abū-Nu'aim record : Once Zaid-ibn-Sa'nah, a Jew, came to the Prophet and claimed the immediate repayment of what the Prophet had borrowed from him, and came to strong words. 'Umar, who was present, could not tolerate it. But on his interference the Prophet remarked : 'Umar, you would better have advised him to claim in a proper way, and advised me to repay in a proper way.²—This has the germs of a reference by the Prophet of his own affairs to a third arbiter. However, the position of the Prophet was unique, and to Muslims he was utterly incapable of committing injustice even when he himself was a party to the case. The Qur'ānic verses (such as 8 : 68, 80 : iff., etc.) which record Divine reprimand to the Prophet, testify to the same effect, signifying that God would correct him at once and not let him persist in error.

The Time of the Caliphs.—In the time of the Caliphs, immediately after the Prophet, however, the principle was acted upon that party and judge cannot be in one and the same person, not even the Caliph (ان الامام لا يكون قاضيا في حق نفسه).³ Hence, whenever the Caliphs had any suit to file, or one was filed against them in their private capacity, the judge of the local court heard the case. Cases of this kind have been recorded concerning Abū-Bakr,⁴ 'Umar,⁵ Uthmān,⁶ 'Alīy,⁷ the 'Abbasid al-Manṣūr,⁸ the Spanish al-Ḥakam-ibn-Hishām-ibn-'Abd-ar-Rahmān-ad-Dākhil,⁹ and others up to modern times, all testifying to the same effect. Their details fall out of our scope here. For certain cases and discussion see also al-Māwardīy in *loco*.

There is, of course, not the slightest doubt that when a person is a sovereign in his dominions and at the same time a citizen in others, he is subject to ordinary jurisdiction in the latter. The case of Jabalah-ibn-al-Aiham, the ruler of Ghassān, may be mentioned in this

1. Not quoted by ash-Sha'mīy. Cf. Ibn-al-Athīr, *Kāmil*, II, 241 ; Ibn-Hanbal, *Musnad*, II, 317, III, 33 ; Ṭabarīy. *History*, I, 1801-02.

2. Not in ash-Sha'mīy. I have quoted from Shiblī, *سيرت النبي*, II, 355-56 (2nd ed.).

3. Sarakhsīy, *Mabsūt*, XVI, 73.

4. Ibn-Sa'd, I, 2, p. 97.

5. Ibid. Sarakhsīy, *Mabsūt*, XVI, 73-74 ; Abū-Yūsuf. *Kharāj*, p. 65.

6. Sarakhsīy, *Mabsūt*, XVI, 74.

7. Idem p. 22.

8. Al-Kindīy, *Wulāt Miṣr*, pp. 374ff.

9. Al-Maqqariy, *نفع العليب*, I, 557ff. (ed. Europe).

connexion as a classical example. He was ordered by Caliph 'Umar in Mecca to conciliate a Bedouin whom he had hurt, otherwise retaliation would be taken upon him in the ordinary process.¹ There are, it is to be noted, some obscurities in this story, yet the principle holds good and is admitted without question.

(2) *Envoys and Ambassadors.*

These will be dealt with later in a separate chapter.

(3) *International Judges and Arbitrators.*

During the civil wars of the time of 'Alīy and Mu'āwiyah, two arbitrators were appointed, one by each party. These arbiters were granted special privileges by both the belligerents, the least of which was protection of life and property. We shall revert to it in a later chapter.

(4) *Public Armed Forces.*

When armed forces enter a foreign country in hostility, obviously they are not under the local jurisdiction. But the question whether camps of such armies become for the time being a part of the territory of the state to which the army belonged, has been answered by Muslim jurists in the affirmative :—

i. *Muslim Army :*

(a) "If the Caliph or the governor of Syria undertakes an expedition...his camp will be considered as Muslim territory."²

(b) "If the Muslim army enters belligerent territory, the Muslim camp will be treated as Muslim territory."³

(d) "If they retort: Is it not that the slave embracing Islam and taking refuge in a Muslim camp becomes emancipated? And according to you the emancipation can take effect only in Islamic territory. We would reply: If the slave comes to that place when there is no Muslim camp, he will not get freed. He gets freed only when he takes refuge with the army. And the army possesses the requisite resisting power."⁴

(e) The Muslims are bound to protect the resident aliens in their territory. Hence, if some belligerents attack Muslim territory

1. Ibn-Sa'd, I/2, p. 20; *Shibli*, *الفاروق*, II, 179 (*Life of 'Umar*).

2. Kāsānīy, VII, 132.

3. Dabbūsiy, *الامرار*, fol. 151b (MS. Waliuddin, Istanbul).

4. Idem fol. 143a.

and take the resident aliens prisoners, "and pass by a place where the Muslims have a 'resistance' in enemy territory, it will be incumbent upon such Muslims to help the resident aliens and relieve them just in the same way as they would do had the prisoners been non-Muslim subjects of the Islamic state."¹

(f) "Army affords the same protection as Territory."²

ii. *Enemy Army.*

(a) "If an army of enemy infidels entered Muslim territory, and a Muslim should go to them by permission and contract with them for some transaction, his case would be on the same footing as if he entered their territory. For a military camp possesses a resisting power. And Islamic jurisdiction does not run in their camp just as in their territory. . . . Don't you see that if the Muslim army had entered enemy territory and the transaction had taken place there, it would have been treated as if it had taken place in the Muslim territory?"³

But whether the entry into allied lands, with the permission of the allied state, will bring the army under local jurisdiction, is a question the definite answer of which cannot be given on the basis of classical evidence. In any case it would depend largely upon the terms of stipulation by which such armed forces are allowed to enter one's territory, whether they should be treated as ordinary resident aliens and visitors or should enjoy autonomous jurisdiction.

(5) *Neutralised Land and No Man's Land.*

This has been dealt with to a certain extent under the chapter on *Property*; and we shall further discuss it under part IV, *Neutrality*.

(6) *Special Privileges, Capitulations, Ex-territoriality.*

For commercial and other purposes of mutual benefit, foreigners have, for time immemorial, been attracted and given special privileges and inducements. It is said that as early as the sixth century before Christ, Pharaoh Amases of Egypt granted to Greeks settling in the Nile Delta the right of adjudicating their disputes by their own judges according to their own laws without interference on the part of the local authorities.⁴

1. Sarakhsiy, السير الكبير, IV, 112.

2. Sarakhsiy, المبسوط, X, 94.

3. Sarakhsiy, السير الكبير, IV, 132.

4. Cf. *Zeitschrift der Akademie für Deutsches Recht*, Munich, (October, 1936), p. 944, "Die Fremdengerichtbarkeit in Ägypten," by Dr. Walter Simon.

The Qur'ān commanded the same to Muslim rulers regarding non-Muslims.¹ When the city-state of Madīnah was established with the Meccan Immigrants, Madinite Arabs and Jews constituting its confederal units, and with Muḥammad as the supreme chief, the Jews retained their judicial autonomy except that Muḥammad was recognised as the final judge if and when they referred their cases to him at their option.² History records that in cases where the parties were Jewish and they appealed to the arbitration of the Prophet, he administered them their personal law.³ A passage of the Qur'ān may be read with interest in this connexion :

If then they have recourse unto thee (Muḥammad), judge between them or disclaim jurisdiction. If thou disclaimest jurisdiction, then they cannot harm thee at all. But, if thou judgest, judge between them with equity. Lo! God loveth the equitable. How come they unto thee for judgement when they have the Torah, wherein God hath prescribed for them commands? Yet even after that they turn away. Such folk are not believers... Say: O People of the Scripture! Ye have naught (of guidance) till ye observe the Torah and the Gospel and that which was revealed unto you from your Lord (5 : 42-43, 68).

When the Christians of Najrān (Yaman) and Ailah ('Aqabah) and the Jews of Khaibar, Maqnā, etc., submitted to the Muslim state, the Prophet conceded to them judicial autonomy where the parties were of the same community. Of course when one of the parties to the litigation was Muslim, the case was tried by state courts and not by communal tribunals.

During the time of the Orthodox Caliphs, the system was further developed, and we read for instance :

The most important innovation of the Muslims which the Jacobites most heartily welcomed, was that each religious community was recognised as an autonomous unit, and spiritual leaders of such communities were accorded temporal and judicial powers in considerable numbers.⁴

Another contemporary evidence of the time when only 15 years had passed since the conquest of Syria, in the time of the Caliph 'Umar, is given by a Nestorian priest who wrote to a friend of his in the following terms :

These Tayites (i.e., Arabs) whom God has accorded domination in these days, have also become our masters ; but they do not combat the Christian religion at all ; on the other hand they protect our faith,

1. Qur'ān, 5 : 43, 50, 66-69.

2. For text of the constitution see Ibn-Hishām and my *Corpus*, No. 1, § 42, 25.

3. For one case see Ibn-Hishām, pp. 393-95; Abū-Dāwūd, II, 152; Bukhārī, 61 : 26, 97 : 51; Mas'ūdī, *Tanbih*, p. 247, etc. For another case see Abū-Dāwūd, II, 161; Ṭabarī, *Tafsīr*, V, 127; Muslim, 28 : 15ff.; Bukhārī, 44 : 1; Wensinck, *مفتاح كنوز السنة* s. v. *نصاح*.

4. Karalevski, in : *Dictionnaire d' Histoire et Géographie Écclesiastiques*, s. v. Antioche, col. 594.

respect our priests and saints, and make donations to our churches and our convents.¹

We possess greater details of the conditions prevailing during the 'Abbasid Caliphate.² It was the same Qur'ānic principle acted upon all along, even when Sultān Muḥammad II conceded some privileges when he conquered Constantinople, privileges later developed into the much abused capitulations in Turkey and elsewhere in Islamic countries.

(7) *Extradition.*

In spite of insistence by each state on its right to exercise jurisdiction over all that is situated within its territory, mutual interest often leads the conclusion of treaties with other states for extraditing criminals. The extradition is sometimes mutual and rarely one-sided. The earliest example of this latter kind is the pact of Ḥudaibīyah concluded by the Prophet with the city-state of Mecca in the year 6 H. whereby: "Whoever from among the Quraishites went to Muḥammad without permission of his superior (*mawlā*), Muḥammad shall extradite him to them; yet whoever from among the partisans of Muḥammad went to the Quraishites, they will not extradite him."³ Another classical example is that of the year 31 H., when a pact was concluded whereby the King of Nubians (Sūdān) accepted the condition that: "It will also be incumbent upon you to repulse towards the territory of Islam all fugitive slaves who come to you but who belong to Muslims. Further, you will repulse every Muslim combating Muslims and taking refuge with you. You shall return him from your territory towards the territory of the Muslims. You shall not incline to him nor protect him."⁴

For treaties of mutual extradition see al-Qalqashandīy.⁵

CHAPTER V

Equality of Status

AS far as the rights of action accruing to and duties of performance binding upon states are concerned, Muslim jurisprudence recognises equality between the various states. But apart from this rather theoretic-al equality of status, real equality between states has as much been

1. Assemani, *Bibl. Orient.*, III, 2, p. xcvi; De Goeje, *Mémoire sur la conquête de la Syrie*, p. 106 (2nd ed.).

2. See for instance the instructions issued to such communal chiefs at the time of their investiture, in Ibn-Faḍlallāh, *التعريف بالمصطلح الشريف* and in al-Qalqashandīy, *صبح الاغنى* in loco.

3. For full text, Ibn-Hishām, pp. 747-48 or my *Corpus*.

4. For full text, al-Maqrizīy, *Khīṭaṭ* (ed. Wiet), tome 3, partie 2, pp. 290-92 or my *Corpus*.

5. *صبح الاغنى*, XIV, 8, on the authority of al-Ghazzālīy.

wanting in states as in individual citizens. Titles in addressing different rulers, lavishness or frugality of hospitality and general treatment meted out to them, the power and influence exercised by them—in these and a host of other matters, equality cannot be observed.

For modes of addressing foreign rulers in the time of the Prophet see collections of his letters.¹ For later times, Ibn-Faḍlallāh's work *التعريف بالمصطلح الشريف* (764 H.), and later still the classical compendium of al-Qalqashandī, *صبح الأعشى*, may be consulted with profit.

CHAPTER VI

Diplomacy

INSTANCES of envoys temporarily sent to foreign Courts, and of secret agents posted in foreign countries, exist from time immemorial in human annals. Thus, no wonder if both these kinds of persons are found in Muslim history as early as the time of the Prophet. Apart from spies and scouts sent for military purposes, it is recorded that al-'Abbās was the secret agent of the Prophet in Mecca,² that Anas-ibn-Abi-Murthid-al-Ghanawīy was his agent in Awṭās³ (near Ṭā'if), and that al-Mundhir-ibn-'Amr-as-Sā'idīy *alias* "A'naq liyamūt" (اعتنق ليموت) was his agent in Nejd,⁴ keeping him informed of all that passed in those countries.

As self-sufficiency and self-dependence grew less and less, giving place to inter-dependence regarding necessities and luxuries of life, states were prompted to have greater international intercourse, commercial as well as political.

I have not yet made any profound study of the commercial agents in foreign countries. My tentative conclusion is that intrepid traders have been used to go to foreign countries before their own state had any diplomatic relations with them. In olden times, trade caravans used to stay in a country for longer periods than now. The local chiefs appointed what are known as the *Hunarman*, *Shahbandar* and *Malik-at-tujjār* in order to regulate the affairs and disputes of foreign traders. These developed into European consuls, during the Crusades. And thus permanent commercial agents came into existence long before permanent political agents and envoys.

The Prophet himself took the initiative of giving impetus to trade and commerce even at the expense of state income. Thus it was that he abolished all inter-Provincial customs duties within the realm, and the many

1. *My Corpus des Traités or الوثائق السياسية* (Cairo, 1940-41).

2. Ibn-'Abdal-Barr, *الاستيعاب*, No. 2034; Kattānīy, I, 363.

3. Ibn-'Abdal-Barr, No. 20 (s.v. Unais); Kattānīy, *ibid.*; Ibn-Hajar, *الإصاحبه*, under *Anas*.

4. Mūsā-ibn-'Uqbah, *كتاب المغازي* (Fragment, *Staatsbibliothek*, Berlin, MS. 1554 PM30).

treaties concluded by him with tribes submitting to his authority expressly stipulate that.¹ Foreign trade, however, remained subject to the usual tithe or whatever percentage was stipulated for by express treaties and conventions between states.² The treaty for levying a tithe on the traders of Manbij (Hierapolis) is said to be the first of its kind in the time of 'Umar.³ The words *tariff* and *douane* or cognate words in European languages, barrowed from Arabic, have a history in themselves. There is an implied reference in the writings of ash-Shaibānīy that sometimes the goods for trade belonging to minors or women were exempt in Islamic territories from customs duties.⁴ Again, goods of less value than 200 drachmas belonging to a person were customs-free.⁵ Abū-Yūsuf records an interesting correspondence exchanged between 'Umar and his governor, Abū-Mūsā-al-Ash'ariy :

Al-Ash'ariy wrote : Some traders of ours go to non-Muslim territory where they are subjected to tithes. 'Umar replied : Levy thou also on theirs as they levy on Muslim traders.⁶

Although Abū-Yūsuf has known dumping and "famine on account of the excess of goods,"⁷ he still believes in free trade, and quotes the injunctions of the Prophet not to interfere with prices.⁸

As for diplomatic relations and representations, we have mentioned that at first they were not maintained on a permanent basis. In his *A Short History of the Saracens*, Ameer 'Alī says however :

"When the provincial governors became the feudatories of the empire, and the sovereignty of the Caliph dwindled into more or less effective suzerainty, the confidential messengers were turned into legates of the Pontiffs, and acted as his resident agents in the Courts of Nishāpūr, Merv, Mosul, Damascus, etc. Like the Papal legates, in the later mediæval times in Europe, they accompanied the sovereigns to whom they were accredited in their military marches. We find them not only in the camps of Alp Arsalān and Malik Shāh, but also in those of Nūr-ud-Dīn Maḥmūd and Saladin, ever active and sometimes meddlesome ; occasionally as under the later Ayūbids, reconciling contending princes, and settling fratricidal strifes.... (Cf. Abul-Fidā, the Caliph's envoy settled the dispute between the sons of al-Malik al-Muẓaffar)..."

1. Cf. my *Corpus*, index s.v. "dimes, et exemption de."

2. Abū-Yūsuf, *Kharāj*, p. 78, 116 (and generally the whole chapter of *tithe* in this work as well as any compendium of Muslim law).

3. Abū-Yūsuf, *Kharāj*, p. 78.

4. Ash-Shaibānīy, *الإصــل*, 1, fol. 150b. (MS. Wafā-'Āṭif, Istanbul).

5. Abū-Yūsuf, *Kharāj*, p. 76-77.

6. *Ibid.*, p. 78.

7. *Ibid.*, p. 28.

8. *Ibid.*, p. 28.

"Each sovereign on his side maintained a commissary called *Shahna* [read : *Shihnah*] at the Pontifical Court, charged with the duty of keenly watching the moves of the game on the part of his rivals, for the struggle for predominating influence over the source of all legitimate authority was as great at Baghdād as in Papal Rome. *Shahnas* [read : *Shihnahs*] were usually stationed, besides the Capital, in places like Wāsiṭ, Bussorah, Tikrīt, etc."¹

In an appendix, the same author says :²

"The Abbaside sovereigns frequently employed a special envoy to transact confidential business with neighbouring potentates. The office was called the *Nizām-ul-Ḥaḍratāin*."²

After the destruction of Baghdād by Mongols in 656 H., there is apparently another gap in the history of permanent embassies in Islamic countries ; there were no permanent ambassadors at that time even in Europe.

Reception of Envoys.

In the time of the Prophet, whenever a foreign envoy or delegation came, we find there was a sort of Master of Ceremonials who instructed the guests previous to their reception by the Prophet in the local formalities.³ The envoys sometimes disregarded them.⁴ There are many incidents in the time of 'Umar when the Muslim envoys disregarded certain local formalities in foreign courts, especially prostration, and caused umbrage.⁵

The Prophet, when in Madīnah, used to receive foreign envoys in the great mosque where the *اسطوانة الوفود* (Pillar of Embassies) still commemorates the place. The Prophet and his Companions are said to have usually put on fine dress at the time of the ceremonial reception of envoys. A good example of the contrast of the simplicity of early times as against the grandeur of later times is provided by the Byzantine ambassador to 'Umar, whom he found sleeping on the ground in the sun unattended by any courtiers⁶, and the ambassador of the same empire at the court of al-Muqtadir Billāh, at Baghdād.⁷

Envoys generally presented gifts from their senders to the ruler to

1. Ameer-'Alī, pp. 407-08 (ed. 1921).

2. Ibid., p. 622.

3. Ibn-Hishām, p. 916 ; Ṭabariy, *History*, I, 1690.

4. Ibid.

5. Cf. Ibn al-Aṭhīr, *Kāmil*, II, 359 ; Broomhall, *Islam in China*, p. 17, on the authority of Chinese sources, regarding the envoys of the commander, Qutaibah, in 713 A. Ch. to the Chinese Court.

6. كتاب في الجهاد والمغازي (MS. 4075, history, Cairo), fol. 113b.

7. Al-Khaṭīb al-Baghdādīy, تاريخ بغداد, I, 100-05.

whose court they were accredited.¹ Such things went to the state treasury. The wife of the Caliph 'Umar once received in return for her gift, a gift from the wife of the Emperor of Constantinople, but the Caliph likewise confiscated it in favour of the general exchequer, and only the value of the original gift of the Caliphine was given her.² There are cases of the Prophet accepting the gifts of foreign potentates and using them in his official capacity—and there was no private capacity of his as is testified to by his dictum that he could not be inherited from, and whatever he possessed would go to the general exchequer.³

The envoys, too, received gifts from those to whom they were sent. The Prophet is recorded to have willed on his death-bed that his successor should award gifts to envoys as he himself used to during his lifetime.⁴ The Prophet once gave an envoy from 'Umān 500 drachmas, at another occasion gold and silver girdles, and at other times other things,⁵ sometimes more, sometimes less, according to individual cases. It is generally admitted that, if a Muslim envoy received a gift on the part of foreign rulers, etc., that would go to the state coffers.⁶

The envoys are officially entertained. There were several large houses in Madinah, in the time of the Prophet, specially meant for foreign guests. There is often mention of the house of Ramlah-bint-al-Hārith in Ibn-Sa'd, in this connexion.⁷ Another house was known as the Guests' House (دارالضيّافان).⁸ No wonder when the Prophet took special pains personally to entertain the envoys of Abyssinia,⁹ for it was in this country that he had found a most friendly state even when he was in extreme danger in Mecca in the early days of his mission. Generally speaking, envoys were treated corresponding to their personal position and that of their sender.¹⁰

Privileges of Envoys.

Envoys, along with those who are in their company, enjoy full personal

1. Shērūch-ibn-Shahriyār ad-Dalamīy رِياضُ الانسِ لعقلاء الانس (MS. 48, history, Cairo), fol. 39b; Tirmidhiy, ch. قبول هدايا المشرّكين; Tabariy, *Hist.*, I, 2163; Again cf. presents from Muqawqis and Farwah to the Prophet.

2. Tabariy, *History*, I, 2822-23; Ibn-al-Athīr, *Kāmil*, III, 74.

3. Tabariy, *History*, I, 1826.

4. Bukhāriy, 56: 176; Kattāniy, I, 451.

5. Ibn-Sa'd, I/2, pp. 40, 43, 66; Tabariy, *History*, I, 1574; Kattāniy, I, 390.

6. عن محمد: هدية ملك أهل الحرب يصير فينا للمسلمين، فتاوى عالمگیری، Vol. III, pp. 265, 66, MS. Yanijāmi', Istanbul, ch. 18), however, envoys sometimes were allowed to appropriate what they received as gifts.

7. Ibn-Sa'd, ch. wufūd; Kattāniy, I, 445ff.

8. Kattāniy, I, 445.

9. 'Abd-al-Bāqī, الطراز المنقوش, pp. 45-46.

10. Hasan-ibn-'Abdallah, آثار الاول في ترتيب الدول (compiled 708 H.): كل رسول على مقداره ومقدار مرسله.

immunity : they must never be killed,¹ nor be in any way molested or maltreated. Even if the envoy, or any of his company, is a criminal of the state to which he is sent, he may not be treated otherwise than as an envoy. The envoys of the imposter Musailimah provide good law to whom the Prophet had said : Had you not been envoys, I would have ordered you to be beheaded.²

Envoys are accorded full freedom of prayer and religious rites. The Prophet allowed the delegation of the Christians of Najrān, to celebrate their service in the very Mosque of the Prophet. Muslim historians mention as a curiosity that these Christians turned their faces towards the East and prayed.³

Envoys may only in extraordinary cases be detained or imprisoned.⁴ So, the Prophet detained the plenipotentiaries of Mecca until the Muslim ambassador detained in Mecca returned safe to Ḥudaibīyah where the Prophet was camping.⁵

The property of the envoys is exempt from import duties in Muslim territory⁶ if reciprocated.⁷ So, *ash-Shaibānī* says,⁸ if the foreign states exempt Muslim envoys from customs duties and other taxes, the envoys of such states will enjoy the same privileges in Muslim territory ; otherwise they may, if the Muslim state so desire, be required to pay ordinary dues like foreign visitors.

Peaceful Settlement of International Differences.

The object of diplomacy is peaceful solution of international questions and promotion of harmony between different states. It is immaterial whether the differences between states are legal or political or otherwise. We are concerned here only with the modes of their settlement, which are of various kinds :

1. The first and the simplest kind is mutual negotiation. This is done through permanent or special and extraordinary envoys. This need not be discussed in any detail.

2. Conciliation, mediation, and good offices. By these different terms we understand third parties, friends to both the contending states, serving as channels for mutual negotiation and tendering friendly suggestions and advice to bring the disputants to an amicable settlement of

1. Ibn-Hishām, p. 965 ; Ibn-Hanbal, I, 390-91, 396, 404, 406 ; Abū-Dāwūd, I, 275.

2. Ibid., *Sarakhsīy*, *Mabsūṭ*, X, 92.

3. Ibn-Hishām, p. 402 ; Ibn-Sa'd, 1/2, p. 85.

4. For a detailed discussion cf. *Sarakhsīy*, *السير الكبير*, IV, 320.

5. Ḥalabīy, *انسان العيون* III, 26 ; Karāmat 'Alī, *Sīrah*, ch. *Ḥud'aibīyah* ; Dahllān, *Sīrah*, II, 46
فحبست قريش عثمان رضي فحبس صلعم سهلا

6. Abū-Yūsuf, *Kharāj*, p. 116.

7. *Sarakhsīy*, *السير الكبير*, IV, 67.

8. Ibid.

their relations. Ibn-Hishām records that in the year 1 H. the first, or at least one of the first expeditions the Prophet despatched against the caravans belonging to the city-state of Mecca—then at war with Islam—was headed by Ḥamzah, who encountered the enemy near the seacoast of Yanbū'. Abū-Jahl was leading the enemy party. A fight was imminent but Majdīy-ibn-'Amr, who was an ally of both the states, Muslim as well as Meccan, intervened with mediations; and both the detachments parted from each other quietly.¹ We may also refer to the case of Ubāy-ibn-Salūl, who although a Muslim subject, in his capacity as an old ally of the Jewish tribe of Qainuqā', interceded with the Prophet on their behalf, and the Prophet granted him his request.²

3. The third and the most important kind is arbitration. This means the determination of a difference between two states through the

decision of one or more umpires chosen by the parties (حَكْمُهُ تَحْكِيمًا : أمره).³ The most important case in the time of the Prophet is the arbitration as to the treatment to be meted out to the Jewish tribes of Banū-Quraizah after their capitulation on the condition that a certain person should decide their lot. The Prophet accepted it, and carried out the arbitral award fully.⁴ The famous arbitration between 'Alīy and Mu'āwiyah is another classical example, the document containing the terms of reference in this case having come down to us *in toto*.⁵ The question was who should succeed to the Caliph 'Uthmān who had been murdered, 'Alīy being elected by the people of Madīnah, and Mu'āwiyah, who was governor of Syria, contending its validity and himself standing as a candidate. The arbitrators had agreed among themselves that both 'Alīy and Mu'āwiyah should be deposed, and that the Muslim community should elect a Caliph anew. Accordingly, at the fixed time and place the arbitrators came to deliver their award. First the nominee of 'Alīy pronounced that he deposed both 'Alīy and Mu'āwiyah so that a new Caliph might be elected and the Muslim community once more united. After him stood the arbitrator nominated by Mu'āwiyah, who said that the nominee of the other party had no right to decide except for his own client; and that he, the nominee of Mu'āwiyah, however, would not depose his client; on the other hand he confirmed him in his position. As the arbitrators had no agreed award, 'Alīy did not feel himself bound by the award and he did not abide by it.⁶ Civil wars would have again ensued had not 'Alīy been assassinated by an anarchist.⁷ In an interesting

1. Ibn-Hishām, p. 419.

2. Ibn-Hishām, p. 688; Ṭabariy, *Hist.*, 1491.

3. See lexicon *Tāj al-'arus*, s.v. taḥkim.

4. Ibn-Hishām, p. 688-89; Abū-Yūsuf, *Kharāj*, p. 124.

5. For text see Ṭabariy, *Hist.*, 1, 3336-38; ad-Dīnawariy, *الاخبار الطوال*, pp. 196-99.

6. Cf. any Islamic History regarding events before 40 H.

7. Abul-Fidā', *Hist.* 1, 364: *فيل كان على قبيل مرتبه بايعه اربعة نالقامن عسكره على الموت واخذوا التجهيز الى معاوية*.

passage, Abū-Yūsuf says what applies admirably to the case of 'Aliy :

If the parties agree on two arbitrators... who differ in the award, it is void, except when both the parties agree to accept the award of one of them. If only one party agrees to the award of one of the arbitrators and not the other, the arbitration is void. If each of the parties agrees to the award of one of the arbitrators, the arbitration is void.¹

According to Abū-Yūsuf, the following categories of people are not fit to be selected as arbitrators, viz., Muslims punished for scandalising respected ladies (قذف), minors, women, slaves, blind people, the immoral (فاسق), men of suspected or notoriously bad conduct (صاحب ردية و شر), Muslims who are prisoners in the hands of the other party to arbitration, Muslim traders in the territory of the other party, Muslim subjects of the other non-Muslim party, be he in his own home or even in the Muslim camp.² According to our author an arbitrator must be :

a man of insight in affairs, orthodoxy in religion, eminence and trust among the Muslims, and profound knowledge of law (*dīn*?). In short, those whose evidence is not accepted in court, should not be selected to arbitrate in such affairs.³

انما يتخير في هذا ويقصد اهل
الرأى والدين و الفضل والموضع
من المسلمين و من كانت له
حياطة على الدين فاما من لا تجوز
شهادته فكيف يحكم في هذا

Abū-Yūsuf also maintains that a non-Muslim subject, too, is not eligible to the honour of arbitership, but his opinion has not found favour with other jurists. For al-Kāsānīy⁴ is explicit that a non-Muslim subject can be accepted as arbitrator, and the trend of his argument bears little doubt that, according to him, even neutral non-Muslims may be accepted as arbiters.

Abū-Yūsuf says⁵ that awards to the effect of maintaining *status quo*, futile in themselves, are void and are equivalent to saying : We do not accept arbitership. So, too, awards for returning Muslims into the subjection of non-Muslims are void. He is so emphatic on the point that, according to him,⁶ if the other party to the arbitration had brought to the Muslim camp Muslim prisoners, slaves of Islamic faith, and Muslim subjects of the other non-Muslim party, these will not be allowed to return to the non-Muslim territory, for " the arbitral award does not allow the return of Muslims to belligerent and infidel territory." But his

1. Abū-Yūsuf, *Kharāj*, p. 124.

2. Ibid., p. 125-26.

3. Ibid., p. 125.

4. *الصانع* VII, 108.

5. *Kharāj*, p. 124.

6. Ibid., p. 126.

opinion is not shared by other jurists on the higher authority of the practice of the Prophet who expressly consented to return Muslims under the treaty of Hudaibiyah. If for the death of the arbitrators or disagreement between them, an arbitration fails, *status quo* must be restored and no undue advantage be taken of the other party's sense of security and consequent carelessness.¹

(To be continued).

M. HAMIDULLAH.

¹ *Kharāj*, p. 124.

RE-EVALUATION OF THE LITERARY SOURCES OF PRE-MUGHAL HISTORY

COMPARATIVELY little attention has so far been paid to a critical assessment of the historical sources of the early Muhammadan period.

Ever since the labours of Henry Elliott, and later the Asiatic Society of Bengal, making these sources available to students in printed form, the practice, and one might say the fashion, has been to lay as many of these sources as possible under contribution, accept the information more or less on its face value and generally to produce a factual rather than a critical study of the period or personality. This, under the circumstances in which Indian history has been gradually revealed during the last hundred years, was perhaps unavoidable, but a time seems to have come when more attention should be devoted to a closer scrutiny of the available materials than to increasing our knowledge of historical facts. It is the purpose of this paper to emphasise the necessity of such a reassessment with regard to some of the pre-Mughal source books.

One of the most common practices of early Muslim writers, that cannot fail to strike one as very trying, is their incorrigible habit of indulging in—what they evidently regarded as legitimate—exaggeration. It is not difficult to guard against the most palpable cases, caused by flights of fancy, poetic and linguistic finesse. In such overstatements Ḥasan Nizāmī, the author of the *Taj al-Maāthir* is a past-master. Statements such as “a hundred-thousand grovelling Hindus swiftly departed to the fire of Hell” at the capture of Ajmere, “where the Sultān destroyed the pillars and foundations of idol temples and built in their stead mosques and colleges”¹ or “fifty thousand men came under the collar of slavery and the temples were converted into mosques and abodes of goodness...., the very name of idolatry was annihilated at Kalinjar” by Aibak,² can, however be easily discounted. Nor is it at all difficult to reject such poetical eulogies of Amīr Khusrau as made Kaiqubād the supreme overlord of “Gujrat,

1. Elliott, ii, p. 215 ; cf. Titus, *Indian Islam*, p. 23, who evidently failed to recognize the exaggeration.

2. Ibid., p. 231. Most of the pre-Muslim temples are still standing ; see Cunningham, *Reports*, xxi, pp. 25, 58ff.

Devagiri, Telingana, Bengal and Malwah,"¹ or the same writer's estimate of 'Alāuddin Khalji, who "destroyed the country of the Sun-worshippers. . . . Who dyed the soil of Behar with blood red as the tulip, and at Deogir destroyed the temples and erected pulpits and arches for mosques."² A similar poetry is evident also in the prose-writing of 'Utbī who could make such naive assertions that during Maḥmūd's attack on Sirsa "the Mussalmans paid no regard to the booty till they had satiated themselves with the slaughter of the infidels and worshippers of Sun and Fire" and that "the elephants of the Hindus came of their own accord, leaving idols and preferring the service of the religion of Islam."³ Another kind of exaggeration, less easily detected is that seen in the accounts of 'Iṣāmī⁴ and also of Ibn Baṭūṭa, regarding Muḥammad b. Tughluq's transfer of the capital to Deogir. By using a word generally employed in a figurative sense and thus removing all cause for suspecting it to be an exaggeration, a whole story is built up of utter desolation, indescribable hardship and wholesale deportation down to the last living being, which may easily be taken as literally true. The absence of any qualifying word with خلق, such as those used by Baranī,⁵ makes 'Iṣāmī's story less suspect than the obvious metaphorical description of the former who, a few lines below, states that "not even a cat or a dog was left either within the city or in its suburbs and inns."

It is needless to refer to high-flown eulogies and glorification of the rulers and nobles often indulged in by servile chroniclers, for no one accepts them at their face value. But deliberate misrepresentation and distortion of a situation is an offence from which the writers are not wholly free; and as some of them happen to be our only available authority for the period, they require a good deal of caution and comparative study to escape the intended effect. Sectional or personal prejudice, hope of reward and fear of punishment, antagonism to a person or measure,—all these combined to furnish the motive. This is best illustrated in the 14th century, by 'Iṣāmī, Ibn Baṭūṭa and Zia'uddin Baranī, in their accounts of the reign of Muḥammad b. Tughluq. A. M. Husain, in his monograph on the Sultān, has exhaustively discussed the bias that actuated these writers to vilify the Sultān and his administration, and a few instances of their propagandist writing will suffice here.

In his account of the token currency 'Iṣāmī ascribes the introduction of copper, iron and leather coins to a desire on the part of the Sultān to destroy materially the *Aṣḥāb-i-Dīn* whose wealth and position provoked his jealousy.⁷ The same vindictive spirit is said to have been at work

1. *Qirān al-Sa'dain*, p. 49.

2. Elliott, iii, p. 543.

3. *Tārikh-i-Yamīnī*. Elliott, ii, p. 50.

4. *Futūḥus-Salāṭīn*, ed. Husain, p. 430ff.

5. *Kitāb al-Raḥla*, ed. Defremery, iii, pp. 314-15.

6. *Tārikh-i-Firōz Shāhī*, pp. 473-4: خواص خلق و مردم گزیده و چیده

7. *op. cit.*, pp. 441-2.

against the people of Delhi whose crowded bazaar one evening led him to think out an effective means of reducing their number, and so he decided on the Qarachil expedition.¹ 'Iṣāmī's methods, however, are perhaps a little too crude to find ready acceptance, but his other two contemporaries, Ibn Baṭūṭa and Baranī, specially the latter, are not so easily disposed of. His sympathies being wholly on the side of the ecclesiastics whose antagonism to the regime was no secret, Ibn Baṭūṭa accepted their construction of the circumstances of Ghiyāthuddīn Tughluq's death and built up a clever and apparently convincing story of Muḥammad's attempts to get rid of his father, which finally succeeded at Afghānpur.² That 'Iṣāmī also repeats the story only shows that it must have been widely circulated, but a careful analysis of the story, as done by Dr. Husain in the book referred to above (p. 66 ff.), reveals significant contradictions and shows that while some of the facts composing the story may have been true, the conclusion indicated by both the writers is a deliberate attempt to give the ruler a bad name only to justify the condemnation the 'Ulemā' had already pronounced on him.

This kind of misrepresentation is a chief defect of Baranī, although it must be said in fairness to him that he was not always deliberately dishonest. His conception of history and plan of writing as set forth in his preface³ largely explain his undue emphasis on characterisation to the neglect of a faithful recording of facts and their interpretation. While it is easy to make allowance for this in utilising his work, a good deal of care is necessary to be able to detect and make due allowance for what constitutes a much more serious danger for the unwary reader, namely, his mental bias, not directed against any individual (which it would be easy enough to see) or arising from any particular motive, but due to his honest and deep-seated politico-religious convictions. His intellectual make-up was, as will appear presently, extremely reactionary and not only are all his judgement of men and affairs or even selection of events affected by this standard, but it often leads him to make interpolations in the narrative and impose his own views in the description of characters. It was not an objective history that he was writing, that is, he viewed the past not as it was actually lived, but as it should have been in accordance with his ideals, and it was to illustrate or emphasise by contrast that he selected his events. His attitude is never objective; he either condemns or approves. What makes this habit of his difficult to detect is the fact that he honestly believed in the faithfulness of the picture he was drawing and so there is nothing in the book itself to indicate that it is the author's own mind that is mostly projected in the book and not the actual past. I do not of course suggest that his account is imaginary, for that would be preposterous; but there are strong reasons to believe that by foisting his

1. *Tārīkh-i-Firōz Shāhī*, 447-8.

2. *op. cit.*, iii. p. 212.

3. *op. cit.* pp. 9-22.

own ideas on the past he produces a picture that, in most cases, is far removed from reality.

Before we quote instances it is necessary to deal briefly with his politico-religious views. These are set out in detail in a little known work of his, entitled *Fatāwa-i-Jahāndārī* (Dicta on State-craft) of which, so far as I know, there exists only one manuscript copy, in the India Office library.¹ In the form of advice addressed to the "Sovereigns of Islam," he describes the duties of an Islamic king.

بادشاهان اسلام دلہائی خود را دران آرزو (تمنا شہادت در محارب و مقاتل) ملو یا بند...
و از راه دینداری در راه حق شہادت جویند -²

Trans. "The sovereigns of Islam should have their hearts full of this desire (desire to attain martyrdom in battle) and in their zeal for religion, should seek martyrdom in the path of God." He was extremely intolerant of free-thinkers and unorthodox Muslims, and devotes a goodly portion of the work urging the king to exterminate "the infidel philosophers," as he calls them, "who prefer scientific reasoning to tradition," and whom he, on that account, regards as enemies of the religion of God and antagonists of Muḥammad."³ His attitude towards non-Muslims will be clear from the following extracts :—

(1) "How can the True Religion become dominant over the others when the Kings of Islam, with all their might and Islamic grandeur, permit (the infidels), in the capital and Mussalman cities, to worship idols openly, to continue the usages of their false religion without fear or hesitation, to hold festivities with singing and drum-beating, and, in return for the payment of a few *tankas* paid as *Jaziya*, to perpetuate all such idolatrous practices, including even the study of their false Scriptures ?"⁴

(2) "How are the signs of Islam to be triumphant when infidels and idolaters (are allowed to) live in all kinds of luxury, with drums, flags, silken robes and richly caparisoned horses, employing Mussalman servants to run in front of their mounts ? when Mussalman dervishes beg at their doors ? and when, within the capital, these (very infidels) are addressed (in such honourable terms) as Rai, Rānā, Thākur, Sahā, Mahta and Pandit ?"⁵

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An interesting development in the 12th and 13th centuries is the growth, throughout the Asiatic world of Islam, of a legend round the figure of Sultān Maḥmūd of Ghaznī, and his transformation into a kind of Islamic hero, an embodiment of all material and moral perfections, who

1. Ethé, No. 25-63.

2. F. 9b.

3. F. 120a.

4. F. 119b.

5. F. 120a.

dispensed God-like justice, championed truth, destroyed falsehood, and devoted all his life to the extirpation of "impure" men, viz. free-thinkers, atheists, etc., and who firmly established the religion of God, Whose protection, on that account, he enjoyed. Baranī takes as his ideal this legendary figure of Maḥmūd, and repeatedly urges the "Sovereigns of Islam," whom, he, in fact, addresses as the "sons of Maḥmūd,"¹ to imitate him and thus earn everlasting reward in the next world and enjoy security and prosperity of their kingdom in the present.

Now this is clearly an ideal to which Baranī wanted the sovereign to aspire and change the existing order of things, which, in the extracts given above, he very much deplores, and it does not necessarily follow that this attitude was universal among the Muslims or was shared by the ruling class. It is more reasonable to hold that it was not. But this is precisely the impression that is created by such discourses, as for example, that ascribed, through Balban, to Iltutmish² in which he describes his political duties, the most important of which is extermination of heresy and idolatry and complete suppression of the Hindus.

The same ideal is also ascribed to Balban³ who explains this to his heir-apparent. He constantly expresses his regret at his inability to act up to it,⁴ but that this was the only way of justifying his position as a Muslim King is repeatedly stressed. The same views are again wishfully interpolated in what is supposed to be a speech of Jalāluddīn Khaljī,⁵ in which Baranī's own regrets at the far from humiliating position of the Hindus within the capital are reproduced in almost identical language.

Indeed, he was so obsessed with this intolerance and was so eager to see it adopted everywhere that it was fathered upon the Qādī, Muḥithuddīn, whose answer to 'Alāuddīn Khaljī's question respecting the law for collection of taxes from the Hindus, Baranī is supposed to reproduce so faithfully and objectively.⁶ It is of course not impossible that the Qādī really held those views, but the identity of sentiments with those expressed in the *Fatāwa-i-Jahāndārī*, makes it extremely probable that they were really Baranī's own. The following passage, from his *Tārīkh*, is to be read with those from his *Fatāwa*:—

چون محصل دیوان ازو (هندوی) سیم طلب نمایند بلینت و تواضع بی هیچ خدشه بتعظیم زردا کند - و اگر محصل خوی دردھن او اندازد او بی هیچ تفری دھن باز کند تا محصل خوی در دھن او اندازد -⁷

Trans. "When a tax-collector demands money from him (a Hindu), the latter should, in all humility and respect, pay the required amount; and if the collector would spit in his (the Hindu's) mouth, the latter should unhesitatingly open his mouth to receive it."

Compare, again, the following, said to have been the compliment given to 'Alāuddīn by the eminent divine, Shamsuddīn Turk, who, however,

1. e.g. F. 2124.

2. *Tārīkh-i-Firōz Shāhī*, p. 42.3. *Ibid.*, p. 72.4. *Ibid.*, p. 70.5. *Ibid.*, p. 216-17.6. *Ibid.*, p. 290.7. *Idem.*

was so displeased with the Sultān's negligence of religious duties that he refused to visit him in Delhi and went back from Multān¹ :—

شنیدم که زن و بچه هندوان بردرهای مسلمانان گدائی میکنند - آفرین ای بادشاه اسلام بر این دین
پناهی که تو میکنی

Trans. "I have heard that the women and children of the Hindus (have to) beg at the door of the Mussalmans. Praise be to thee, O King of Islam, for such zeal in the maintenance of Religion as you are showing."

It is this orthodoxy that led Baranī to compare Muḥammad b. Tughluq with Nimrod² whose intercourse with the Philosophers and Jogis alienated the entire section of the 'Ulemā';³ and whose patronage of the Hindus and newly converted Indian Muslims was extremely disliked.⁴ It is the same orthodoxy, again, which led him to reject all the previous sovereigns and hail Fīrōz, the champion of this policy, as the first *Bādshāh* of Islam."⁵ In fact this idealistic presentation of the past runs like a red thread throughout the work and is responsible for a great deal of misconception with regard to persons and politics of medieval India.

Another kind of misunderstanding, often leading to erroneous conclusions, is caused by careless use of unconventional phrases and idioms whose intended meaning is thereby greatly obscured. Instances are afforded, here also, by Baranī. In describing Muḥammad b. Tughluq's suppression of the rebellion in Baran,⁶ he uses the phrase بطریق شکار در ولایت which, consistent with his reputation for ferocity, it is very easy to take literally and interpret as his man-hunting expedition.⁷ Almost the same phrase is used also in connection with Balban's march to Sāmānā to organise his army for the projected expedition against Tughril of Lakhnawti⁸ - بر عزم لشکر کشی سمت لکهنوتی برسم شکار طرف سامانه و سنام بیرون آمد - and seems to have been a favourite expression of Baranī to describe a secret march, the real purpose and destination of which is not given out. The careless use of the term "Hindu" in the following passages is equally misleading, as has been pointed out by Mr. Moreland, in his "*Agrarian System of Moslem India*."⁹

(a) سلطان علاؤالدین میزانی و ضابطه از دانا یان میطلبید که هندو فرو مالیده شود -¹⁰

(b) و هندو را سربالا کردن ممکن نبود و در خانه هندوان نقشی زر و تفره و تنکه و چیتل و اسباب زیادتی که رویانده ترمز و عصیان است نمانده بود -¹¹

1. *Tarikh-i-Firōz Shāhī* p. 297.

2. *Ibid.*, p. 506.

3. Ibn Batūtā, *Kitāb al-Rahla*, cited in *Rise and Fall of Muḥammad b. Tughluq*, p. 198.

4. *Ibid.*, p. XIII.

5. Baranī, p. 538.

6. *Ibid.*, pp. 479-80.

7. Cf. Elphinstone, *History of India*, p. 397.

8. Barani, *op. cit.*, p. 85.

9. p. 32, note.

10. Barani, *op. cit.*, p. 287.

11. *Ibid.*, p. 289.

(c) بدان کہ هرگز هندو فرمانبردار و مطيع مسلمان نشود تا او بينوا و بے اسباب نشود - ¹

Trans. "(a) He asked his counsellors to prepare schedules and regulations with a view to chastise the Hindus.

(b) It was impossible for the Hindu to raise his head, and in his house not a trace remained of gold, silver, tanka, jital or any articles of luxury that incited him to rebellion and disloyalty.

(c) Take note that unless he is reduced to such dire poverty as to be in want of his daily bread and bare necessities of life, a Hindu will never obey or be loyal to the Mussalman."

A closer study would show that the reference is only to a section of the Hindus, the Zamindars and Chiefs of the rural areas, whose wealth and power, acquired at the expense of smaller peasants and Government dues, was a potential danger to the state inasmuch as they were frequently tempted to revolt.

A good corrective of the impressions created by such histories is provided by a class of materials to which little attention has hitherto been paid, but which appear to be extremely useful for the political and social history of the early Sultanate period. I refer to such non-political writings as biographies of saints, literary histories and compositions and theological and legal treatises. Among such biographies and memoirs, we have a number of works on the *Chishtiya* saints, beginning with *Khwāja Mu'inuddīn* of Ajmer. A daily record of his conversations is said to have been kept by his famous disciple, *Qutbuddīn Bakhtiyār Kākī* and was edited under the title *Dalīlul 'Arefīn*. Similar collections were also made for the latter's disciple, *Farīduddīn Shākarganj*, by the celebrated saint *Nizāmuddīn Auliya* of Delhi, and published under the name of *Rāḥatul Qulūb*, while a complete memoir of *Farīduddīn* was prepared, with the title *Asrārul Auliya*, by his son-in-law, *Ishāq*. *Qutbuddīn Kākī* is also represented by a collection of his sayings entitled, *Rauzatul Aqtāb*, made by *Muḥammad Bulāq*. Not less than three separate works containing collections of a similar nature exist for the saint *Nizāmuddīn Auliya*, and of these, the *Fawā'id-ul-Fuwād* by the poet *Amīr Ḥasan*, is in the form of a diary. The other is named *Rāḥatul Muḥibbīn* and is compiled by no less a person than the poet *Amīr Khusrāu*. A full account of *Nizāmuddīn Auliya*'s life and works was written by *Muḥammad Mubārak Kirmānī*, a late disciple of the Saint and a contemporary of *Muḥammad b. Tughluq*. There are casual and extremely illuminating references in these works to contemporary events, personalities and social life, and since their authors had no interest in recording them except to draw morals of a spiritual nature, they are remarkably free from such defects as we have discussed above. From the *Fawā'id-ul-Fuwād*, for example, in a casual reference to a man of saintly character, named *Rāziuddīn Nishāpūrī*, we learn that there used to be a *Nāib-i-Mushrif* (Deputy Accountant) in the '*Iqtā'* also (*Rāziuddīn* was the

Nāib-i-Mushrif of Kōl), and that the pay of 100 tankas a month was considered too poor for a house-tutor.¹ The following reference to the saint named Nūr Turk, regarding whom Minhāj-i-Sirāj has some hard things to say² will show where the latter's bias lay. Amīr Ḥasan once told the saint Nizāmuddīn, "Some of the 'Ulemā' of the capital have made some adverse remarks respecting his (Nūr Turk's) religious faith. The saint replied: 'No, he was purer than the water that rains from Heaven.' I submitted that in some of the histories, particularly the *Tabqāt-i-Nāṣirī*, I have seen it written that he used to call the 'Ulemā' of the *Shari'at*, Nāṣibī (setters-up) and Nurjī (procrastinators). The saint said: 'The 'Ulema' bore great malice against him for the reason that he used to denounce them for their selfish worldliness, to counter which they laid that charge of heresy against him.'"³ That the 'Ulemā' and the ecclesiastics had entered into an unholy alliance with the secular monarch and were always prepared to go over to the victorious party in the name of Islam is confirmed by the story of the Qādī of Multān who, on account of a personal grudge he bore against Nāṣiruddīn Qubācha, secretly invited *Īltutmish* in the name of orthodoxy and on behalf of the 'Ulemā' and the Syeds of the place.⁴ An interesting piece of information respecting the collection and assessment of the land revenue in the early days, of *Īltutmish*'s reign is similarly furnished by the *Rauzatul Aqṭāb*.⁵ The story of a disciple of Bahāuddīn Zakariyā of Multān, a poor man who used to till a plot of land near Lahore and was compelled to show the tax-collector a miracle in lieu of the revenue he was unable to pay, contains a reference to what appears to have been a crop-survey with a view to assessment.⁶

Among literary works, the historical value of Amīr *Khusrau*'s writings claims foremost importance, although here, as in other works of this nature, a certain amount of caution is necessary, for, like the histories, not only are they apt to be influenced by social and political prejudices but also to be carried away by flights of fancy. An instance is offered by a letter in the *I'jāz-i-Khusrawī*, which, purporting to be an *'Arḥdāsh*, addressed to prince *Khizir Khān*, has led Elliott to accept it as the only extant record of 'Alāuddīn *Khaljī*'s conquest of *Ghazni*.⁷ Nevertheless the light thrown on contemporary life and society by the abstracts made of his poetical writings is sometimes highly revealing. That contemporary law and society were far from strictly orthodox or Islamic as the historians would have us believe, is shown by the casual reference of Amīr *Khusrau* to the rate of interest at one jital per tanka lent on bonds which had legal sanction, a rate enforced by the Qādī.⁸ Similarly the extent to which religion and

1. B. M. MS. Or. 1806, f. 56-7.

2. Tab. Nas. Trans., Raverty, p. 646. The saint is stated to have been in alliance with the *Malahidah* and *Karamitah* heretics.

3. Or. 1806, f. 102b.

4. Ibid., f. 65-66a.

5. B. M. MS. Or. 1756, f. 201a.

6. Quoted in Hamid b. Faḥlullāh Siarūl 'Ārefīn, Or. 215, f. 17a.

7. Elliott, iii, p. 566.

8. Amīr *Khusrau*-Kulliyāt, p. 312.

religious institutions had become servile instruments of the state is evident from Amīr *Khusrau's* remarks on the moral degeneration of the officially recognized leaders of Islam, the Qāḍīs and the 'Ulemā'.¹ The *Qaṣā'id-i-Badr Chāch* has long been recognised as a valuable source-book for the early Tughluq period. Of similar interest are the *Inshā-i-Māhrū* of 'Ainul Mulk Multānī, a high official under Muḥammad b. Tughluq, and the *Basatin ul-Uns* of Aḥmad Husain Dabīr, which, however, contains matters of historical value only in its preface.

In writings of theological, legal and quasi-medical nature also there is good information on which a student of social history can usefully draw. Interesting sidelights on the beliefs and observances of the Muslim masses are to be found, for example, in the quasi-medical work of 'Abdul Qawī b. *Shahābuddīn Zīā*, entitled *Rāḥatul Insān* and dedicated to Fīrōz Tughluq. The anonymous compilation named *Fawā'id-i-Fīrōzshāhī* belonging to the same period, besides affording us an insight into the theologico-ethical standard of the time, gives some interesting information respecting fiscal and administrative practices. An indication of the method of assessment for the land revenue is furnished, for example, by the mention of two kinds of *Kharāj*, *Muqāsima* and *Wazīfa*,² which can only refer to what Mr. Moreland calls crop-sharing and contract.³ Legal works like the *Fiqh-i-Fīrōzshāhī* (also called the *Fatāwa-i-Fīrōzshāhī*), originally compiled by *Ya'qūb Muẓaffar Kirmānī*, but edited anonymously during Fīrōz's reign, are our only guide to the law as actually applied to the Muslims, and confirm to a great extent the suspicion that the servile 'Ulemā' did not hesitate to twist the law in order to satisfy the needs of their secular masters. See, for example, the passage in which legal sanction is skilfully, manufactured for the king's forcible expropriation of his subjects' wealth whenever he thought it necessary to do so.⁴ Of similar interest is the *Fiqh-i-Ibrāhīm Shāhī*, of Aḥmad b. Muḥammad b. Ḥamīd, dedicated to Ibrāhīm 'Adil Shāh of Bijāpūr (1535-57), which contains, besides a mass of instruction on what I would call religious quackery, a valuable collection of legal opinions and court decisions.

Non-Muslim documents are yet another means of checking Muslim chronicles. Apart from the numerous Jaina and Hindu theological works written during the Sultanate period, which continue to yield valuable information,⁵ Hindu chronicles and literary compositions also deserve to be closely studied. Among the latter the fragmentary *Prithvirājaviṇaya Kāvya*, believed to have been composed in the lifetime of the Chauhana ruler, and the *Hamīra Mahākāvya*, a versified history of the Chauhana house of Ranthambhor completed early in the 14th century, are of

1. Amīr *Khusrau*, *Matla'*, al-Anwar Lucknow, pp. 55-60.

2. F. 199a. R. A. S. B. MS., Ivanow, No. 1069.

3. *Agrarian System of Moslem India*, pp. 7-8.

4. I. O. MS., f. 191-2.

5. Mr. B. A. Saletone tells us, for example, that there is evidence in their extant works to show that the eminent Jaina divines, *Sinhakīrti* and *Viśalakīrti*, enjoyed the active patronage of Maḥammad b. Tughluq and Sikandar Lōdī, respectively.—*Karnataka Historical Review*, Vol. IV, Nos. I & II. 1937.

importance for obvious reasons. So are the Rajput traditions, collected by Muhnot Nainsi in the 17th century, as also local and dynastic chronicles like the *Rāsmālā* and the *Rājmalā*, for Gujrat and Tipperah respectively. A remarkable work in a form of corrupt Sanskrit, named *Shekashubhodaya* (the advent of the Sheikh) has lately been discovered in Bengal,¹ which purports to be a memoir of the saint Jalāluddīn Tabrēzī who visited Bengal early in the 13th century and to whom tradition ascribes the conversion of a large number of Hindus in North Bengal. Although evidence points to its being, in its present form, a forged document presumably prepared in Akbar's time to prove the legal right of the saint's shrine to the lands it held, some of the stories in their essentials seem to be genuine illustrations of the saint's activities, and for the history of Islam's missionary work in India, they will certainly repay careful study.

A. B. M. HABIBULLAH.

1. It has been edited by S. Sen, Calcutta.

HAIDAR ALI'S INVASION OF THE EASTERN CARNATIC, 1780

A French military adventurer in India, named Maistre De La Tour, calling himself "a General in the Army of the Mogul Empire," published a life of this great Sultan, entitled *Histoire d' Ayder-Aly Cawn, ou Nouveaux Memoires sur l' Inde* (Paris, 1783, 2 Vols., 12 mo.), which was afterwards translated into English. Though the author claimed to be "an eye-witness of his conquests," yet he naively confesses : "We can give no details of the operations of Haidar in the present war, having no other materials than the relations of the English ; and on these we can place no dependence, because they are fabricated in India to deceive the English government."...

It may gratify the shade of this Frenchman in Hades to learn that there is still preserved in manuscript an account of this campaign from its beginning to the fall of Arcot (28th May to 4th Nov. 1780) written by a French officer of Lalée's corps who personally went through it. The narrative, though composed in French, is preserved among the Portuguese records in Goa (*Livro das Moncoens*, No. 161B, ff. 469 *et seqq.*). From a rather defective transcript of it, I have made the following English translation. Here we can see in great detail the French side of this famous campaign, of which a shorter account is also preserved in a letter from M. de Lalée to his brother, (not yet published in English).*

(TRANSLATION)

May 28th.—To-day all the tents of the army have been erected one half league from Seringapatam ; the vanguard has been sent towards Bangalore ; and the rearguard occupies Graille. As the Brahman astrol-ogers have assured him that the day is auspicious, the Nawab, who rather believes in their superstitions, has given orders for sending to the camp all the troops who are cantoned in the Island. They have crossed the river in the afternoon, except the party of M. de Lalée and that of M. Pimorin. Our politicians are forming diverse projects, but these will come to light only after some months. Nearly all of them agree in saying

*French original published in *La Revue de l' Histoire des Colonies Francaises*, May 1934.

that the Nawab will not pass the *ghats*, and that if he approaches them (with) his army, it will be only for cantoning during the winter (i.e., the rainy season) and sparing the forage of his country. Mons. de Lalée alone holds that he will depart immediately, and that he is going to attack the English with superior forces.

May 29th.—The Nawab issued from the city at ten o'clock in the morning, after making sacrifices (of buffaloes) at all the gates, and he has arrived in the camp with the greatest pomp ; and from to-day entrance into Seringapatan, following the usage, has been closed to all Europeans.

May 30th.—The party of M. de Lalée crossed the river two hours after noon ; he has encamped in the vanguard of the army to the left of Muhammad Ali ; it is the post that has been assigned to him during the entire campaign.

June 1st.—The artillery has been distributed to the *risalas* ; there are in each (*risala*) two pieces of 4-6 calibre, and the same number of 8, two munition wagons and one cart.

The heavy artillery has been sent forth. It consists of 13 pieces of large calibre, four *colubrines de douze* (culverins or long narrow guns), two howitzers (*obuses*) six swivel-guns (*pierriers*) and a large number of munition wagons (*caissons*) and carts.

June 3rd.—M. de Pimorin has come to the camp. He has occupied a position one musket-shot behind M. de Lalée. The departure for Bangalore is fixed for next Friday.

June 7th.—In the morning a body of 3,000 cavalry started and the heavy artillery has been set going.

June 9th.—This morning, half an hour before daybreak, the Nawab set out on his march with the greater part of the cavalry. The infantry defiled in two columns. The contingent of M. de Lalée marched at its head on the left. The artillery formed a third column, and the carriages (*equipages*) a fourth. The remainder of the cavalry has become the rearguard.

June 14th.—The Nawab arrived at Bangalore at noon, and has lodged in the fort. The army has encamped to the east of the place. The vanguard has been placed towards Hosur. The Prince (Haidar Ali) has made a halt of 22 days here. During this interval, the troops of the distant provinces have joined us. From the depot have been issued some siege-guns besides, and quantities of munition. It is said (*on pretende*) that there have been pourparlers with the English, which have produced no effect.

July 6th.—The army has received orders to hold itself in readiness for marching. It is composed of 20,000 sepoy, 20,000 cavalry, 10,000 Bidars, 15,000 *Peons*, 6,000 Carnatis, 2,500 Pathans, and a number of (oxen) sufficient for conveying 40 field-guns very liberally supplied with munitions.

The corps of M. de Lalée and that of de Pimorin can number a total of 450 Europeans of whom 230 are mounted on horses. Besides these,

there may be in the camp 300 Europeans of diverse nationalities, who are under the discipline of the *Kachary* (Haidar). But as they do not form any corps and as besides they are all prisoners, or to put it better, slaves, they cannot be placed among the number of the forces of the Prince. He has assigned the greater portion of these people to serving his pieces (of cannon), and the rest have been distributed among the *risalas*. He formed, not long ago, a company of infantry which he has placed under the orders of a *mestich* (Eurasian) of Pondicherry.

Our politicians begin to be a little embarrassed. They are, however, always of the opinion that the army will not go further from Bangalore ; but M. de Lalée always asserts against them, that before eight days there will be a great irruption into the Carnatic.

To-day the Nawab, in order to end his halt at Bangalore, and to leave there without doubt the memory of a despotic and cruel authority, has caused a jamadar of cavalry to be dragged at the feet of an elephant throughout the camp. It is said in public that he (the jamadar) had retained something out of the pay of his troops.

July 7th.—The infantry has taken up its march in one column and the artillery on the right, and has encamped four *kos* from Hosur.

July 8th.—The infantry has taken up its encampment to the east of Hosur. Two hours afterwards, the Nawab arrived with all his cavalry. He has come from Bangalore in one march.

July 11th.—All the army has been set on the march in the usual order. They have come to encamp at the entrance to the first *ghat* (mountain pass).

July 12th.—The infantry has made a halt. The Prince has passed to the front with his cavalry in order to avoid the embarrassment of the crowd in a bad and narrow path.

July 13th.—The infantry has marched in column, and we have crossed the *ghat* in good order. The worst place is passed, for about half a league, bordered on the left by a very spacious wood which clings to the mountains. There is on the right a fort on a rock which appears to be considerable ; it would be very difficult to force this passage, which forms the first barrier of the country of Bader (=Baramahal).

July 17th.—The Nawab has detached 15,000 cavalry most lightly armed. This corps on issuing from the *ghat* will form four divisions, each one of which has a special destination given in secret.

He has placed at the head of the larger (force) Karim Sahib, his second son. It is the first command that he has conferred on the latter. The instructions which he has given him and the zeal of which the young prince is full, make one hope for the greatest success. It is said that he has been charged with the pillage of Porto Novo, which he is to enter on Thursday next during the night. He has with him 200 camels each of which carries two sepoys. This news has made a great noise in the camp. All the people are convinced that we are going to attack the English.

July 21st.—The army has passed the second *ghat*, and has at last entered the province of Arcot. The road in it is bad and is capable of being guarded by a few troops. We have come to encamp before Changanama, which has surrendered without our having to open fire. This place, although on the frontier of Muhammad Ali Khan, is a bad mud fort built on the bank of a river, one league from the mountain chain. The approach to it cannot be very easy. We have found here four pieces of cannon; its garrison was 100 sepoys and ten horsemen. The Nawab has sent forces to invest Kolaspak and Polur.

July 23rd.—March to Kolaspak which was taken immediately on the arrival of the Nawab. This fort appears to have some bastions built of brick, each furnished with one piece of cannon. A dependency of this place is a village (= *petta*), immense in size, very rich and full of labourers and artisans. It is enclosed by a poor earthen wall only.

July 25th.—The army has entered Polur which had made a considerable fire upon the troops who invested it. (But) it surrendered in the end. This fort stands at the mouth of the gorges in a charming situation. It has 12 bastions of stone armed with some pieces of cannon. There was within it a garrison of 100 sepoys and some black horsemen. This place is a dependency of another and very much larger place named Carnatgarh. The latter is situated on a mountain almost inaccessible, one league from the former.

The Nawab has sought, by the mediation of the qiladar of Polur, to induce the qiladar of Carnatgarh (who is a relation of his) to admit his garrison into the place; but all his efforts and promises have been fruitless. In consequence, the Nawab sent two days afterwards four *risalas* for plundering and burning the country at the foot (of the fort). The troops returned in the evening after having set fire to it. To-day M. de Lalée has been detached with Muhammad Ali to go and encamp on the road to Vellore and Arcot.

July 30th.—The camp has marched upon Trinomali. The journey has been very hard. This Pagoda, around which the Europeans have joined together four bastions on which there are in all five pieces of cannon, could not make a long resistance. The place is commanded and is of easy approach. It surrendered on the 31st in the evening after firing some cannon balls on the camp. The garrison consisted of three companies of sepoys and about 80 *peons*. They have made a (move) outside to a place which is in the mountains. Our troops on their arrival found it evacuated. It is, however, much larger than a Dharmasala. Karim Sahib has returned with his detachment. It is said that he has taken immense booty.

August 5th.—We marched on Chitpet; the infantry has made only five *kos*, and the Nawab has arrived to-day before the place with his cavalry.

August 6th.—The infantry arrived before Chitpet at noon. M. de Lalée has encamped with Muhammad Ali on the road to Arcot. This place cost the French very much blood and labour; it is advantageously

situated, has 12 good bastions built of stone, besides three strong cavaliers, one excellent *fausse braye* and a ditch, and is armed with at least 16 pieces of cannon and munitioned in a superior manner. Ah well! this place opened its gates to the conqueror the very evening of our arrival, without waiting for us to make the least movement to attack it.

It merely made during the day great fire from all parts. The city and its environs have little support from the vicinage of Arni. The Nawab immediately afterwards set up the "tent of mercy" and all the inhabitants have returned to their homes. The garrison of Chitpet was 200 sepoy and 100 *peons*.

August 10th.—The army has arrived before Arni. The infantry was subjected to the fire of some volleys of cannon and defiled in order to take up its camp. The fort continued the firing on the 11th and all the daytime of the 12th. M. de Lalée has encamped on the road to Arcot with the division of Asdar Ali Beg.

August 12th.—This night the Nawab caused two batteries to be made behind the bases of a village which is almost contiguous to the fort. The pieces had not yet been placed when they offered to capitulate. This place is situated on the bank of a small river, surrounded by blocks of houses and very large. It has many bastions all built of lime and brick. There are at the gate European works which have a very beautiful appearance. The ditch looks large and well kept. Our old soldiers say that such a place ought to have held out at least eight days, although it had the defect of all the other forts in the country. It has an easy approach because of the small villages that they have built around it.

It is said that the Nawab has found in Arni a large amount of treasure. Muhammad Ali made it one of his principal depots, and it is asserted that all the objects which he took out of Tanjore are still in the magazines here. Many jewellers and a number of rich people retired to this place since the invasion of Haidar Ali. Its garrison consisted of 200 sepoy, 100 black cavalry and many *peons*.

August 15th.—To-day we have received the first news of the movements which the English have made for assembling an army. They have sent out a battalion of sepoy from Trichinapalli, which has crossed the wood and joined the detachment of Pudichéri. They may amount to a corps of 200 Europeans, 3,000 sepoy and 8 pieces of cannon. On the 12th instant they took the route of Permacoil, and on the 17th they encamped on a high hill, where they have found a body of 800 Europeans, 400 sepoy and 10 pieces of cannon. M. Munro will be the commander of the army.

Here the policy is confusing. The English, who have astonished all the princes of Asia by their vigilance, their activity, and above all by the promptitude with which they have begun their military operations, have not yet presented one man to oppose the progress of an enemy who has come from a hundred leagues' distance to attack them. Those who led two years ago 40,000 combatants before Pondicherry,—who during all the

time of their last war with (Haidar Ali) Bahadur placed on foot two large armies, — who in one word maintain on this side 30 battalions of sepoys, — undoubtedly greatly dazzled by the reputation they have made, have either given to their *fonds* (? forces) some secret destinations, or disposed of their troops for certain operations which I do not know. In the brilliant situation in which they find themselves they have thought that there is not in Asia any Power in a condition to attack them. The mistake that they made in not assembling their army during their first contests with Haidar Ali, is proved. This mistake is irreparable. In a country in revolution like this, and above all since there are powerful and ambitious neighbours, they ought to have a corps always ready to march at the first need and sufficiently large for covering the frontiers. The different posts which the Nawab has occupied by means of his cavalry, have now taken away from the English all the means of assembling a large force. It has brought an end to their prosperity. The events that follow will make known whether our enemies themselves have arrived at that end.

The continual rains, which have lasted for eight days, have greatly retarded the operations of the Nawab. He has, however, sent out two detachments to invest Chambargarh and Dobigarh ; they have yielded after five or six days of resistance. These two posts, as well as some others that he has occupied, entirely assure to him communication with his own country.

August 20th.—The camp has marched to Arcot. Timery, which is two leagues distant from it, capitulated to the Nawab when he was passing by. It had fired only some discharges of cannon on the pillagers. All the army has encamped in the region south of Arcot.

The 21st, 22nd, 23rd and 24th passed without our doing anything except making grand preparations for the siege. M. de Lalée has been charged with reconnoitring the place, sometimes with the Bakhshis, sometimes with the Prince himself.

The Nawab has changed his camp ; its situation was bad. He has gone to encamp on the road to Madras, at the same distance from the place.

In the afternoon, he set a trap for the posts which guard the approaches to the city. He concealed in a ravine 300 *peons*, and caused 200 Carnatics, to pass at a small distance from them, loaded with fascines and escorted by some sepoys only. When the men in the fort perceived them, they sent out a company of sepoys to chase them. The Nawab, who was advantageously placed for observing the movements on the part of the other side, judging that these unfortunate ones were very near, caused a rocket to be fired : at once the *peons* sallied forth from their trenches and fell upon the sepoys sword in hand. They cut off the heads of 13 of them, wounded many others, and put the rest to flight. During this affair the fort fired many cannon balls, which had no effect. The Prince has lost only 3 men. He has given Rs. 5 to each of his soldiers who brought a head to him.

August 28th.—M. de Lalée departs with the Bakhshis and some other

chiefs to observe the English army which left Punamali five or six days ago. It is to go to Conjevaram and there wait for a detachment which is coming from the northern districts under Colonel Baillie. It is announced outside that the corps is considerable, but M. de Lalée, who has observed it from very near during a march of nearly two leagues, asserts that it contains above 1,200 Europeans, 7,000 sepoys, 30 white cavalry, 150 black cavalry and 15 or 18 pieces of cannon. This army is obliged to carry with itself not only victuals but also forage and (cooking) fuel which are necessary for it. The Bidars who harass them as soon as they go out, crowd them together to such a degree that this morning out of five Europeans who had the misfortune to fall out of the ranks, three have been taken prisoners and two others have been sabred 30 paces from the column.

The Nawab has sent off to Arni his large artillery and all the munitions which he had caused to be brought for the siege.

August 30th.—All the army has departed and gone to Mousseripa.¹ They have left there absolutely all the baggage, even the tents were kept standing when the Nawab passed the river with all his cavalry. M. de Lalée followed him with his company of whites, and left the command of his infantry to M. Renard, the major of his party. Two hours later the infantry crossed the river with the field artillery. It was placed in battle order on the other bank, and there made a halt of nearly two hours. The spies having reported that the English who had set out on the march in the morning, instead of taking the road to Arcot, had gone to encamp under Conjevaram, the Nawab ordered his army to skirt the place in going up; it has reached one *kos* from Kaveripak. As it was late, it halted under the trees, barring all the roads to Arcot and there passed the night. There has been a very bad (misfortune in the form of) heavy rain which lasted more than 18 hours and greatly inconvenienced the troops.

August 31st.—The Nawab has raised across the plain six batteries of five and seven pieces of cannon each, at a distance of two musket-shots from one another, and he has placed all his infantry behind the batteries. He has placed under the orders of M. de Lalée one division of five *risalas*, who may amount to a total of 3,000 men. These troops will be exercised in the French manner and commanded by the officers of the (French) contingent at three hours after noon. They are coming to take up their place with us, behind the battery on the left.

September 2nd.—M. de Lalée departed with the Nawab to reconnoitre the English camp; its position, however advantageous to them, appeared to be a little commanded by the embankment of a tank which is on the left. The vanguard is towards Arcot, and the rearguard adjoins the Pagoda of Greater Conjevaram.

September 3rd.—The army has marched. The infantry defiled in four columns, each carrying its artillery at its head. All the cavalry has gone

1. This word is a copyist's error for *Muservakam*, a town on the north bank of the Palar river, seven miles west of Great Conjevaram (J. S.).

in advance. We have encamped one *kos* and a half from Conjevaram. We found the batteries immediately and worked there without relaxation.

September 5th.—The Nawab detached his eldest son Tipu Sultan Sahib with the division of Asdar Ali Beg, and 5,000 horsemen in order to go and encounter Colonel Baillie, according to the report of the spies. It will to-morrow go and encamp 5 *kos* from Conjevaram.

September 6th.—We have broken camp and have come to the presence of the enemy. The infantry marched in three columns, the artillery on the right, and the munitions on the left. All the cavalry passed in front. The intention of the Prince is not to attack, but to observe the movements of General Munro, and to prevent him from joining Colonel Baillie. The English, informed of the march of the Nawab, have broken camp and have entered Conjevaram. Our infantry has been ordered to defile behind the cavalry and to go and place itself on a height which is a good cannon-shot from Conjevaram in the western side. This manœuvre has made us come close to the path that must be followed by Messrs. Munro and Baillie if they wish to join forces.

Three hours after noon the bivouac guards informed us that the English had marched out and taken the road to Chinglepat. Immediately the cavalry galloped ahead in order to cut their road ; and the infantry marched behind. When we perceived the enemy, they were in battle order within Great and Little Conjevaram, with their backs to a small fort ; the bank of a large tank covered their left, and they had on their right impassable marshes. They fired some volleys of artillery on the cavalry, which pressed their rearguard a little.

The two armies passed the rest of the day in observing each other. The Nawab has only made some discharges of rockets (*fouguettes*), which have not produced the least effect. At the fall of night, the infantry received orders to return and take up their position of the morning, and the cavalry remained in bivouac. Our general has greatly approved the manner in which the Prince manœuvred all the day, his chief concern has been always to cover the march of his infantry by his cavalry.

September 7th.—To-day we have received details of the affair which took place between Tipu Sahib and Colonel Baillie. The success has not totally corresponded to the hopes which we had formed concerning the talents and bravery of this young warrior. The English did not march that day at all, and they had the good fortune to discover, the day before, a compensation for their situation which was most advantageous. Two tanks and some large marshes covered them at nearly all points. These difficulties did not at all restrain the ardour of Tipu. He made his army advance ; his infantry showed itself in two columns in such good order that the English themselves were deceived ; they believed for an instant that it was General Munro who was coming to them. But some rockets which were fired by the cavalry on the wings made the English quickly discover their error. They at once replied by a general discharge of all their cannon. Their artillery was better served and made our infantry

bend. Next Tipu put himself at the head of the cavalry and fell upon the enemy who formed a square. A crooked stream which it was not possible for him to get over, prevented him from arriving and seizing the left side and forming in battle order on the road to Arcot. Fortune did not serve his desires. A short distance from the enemy was found a terrain suitable for covering the infantry and placing the artillery advantageously. The pieces were mounted in batteries all the night, and they fired on the English square with all possible success. M. de Lalée marched ahead with his two pieces ; all his business was to observe even the least movements of the enemy. It being perceived that they had placed their munitions behind a small ravine which was before him, he ordered his artillerymen to aim at it. They had the good fortune to explode a munition cart at the second discharge, another not much later, and then a third. These accidents totally disconcerted the enemy ; they made afterwards only a feeble fire ; the black troops felt themselves defeated and took to flight. M. de Lalée, whom none of their movements escaped, sent orders to his white cavalry to make a charge. His example emboldened the cavalry of the Nawab, which was on the wings and which was waiting for a signal. The heat was so violent and the crowd so great that (at the onset of) the squadron of M. de Lalée the enemy could neither advance nor retreat. The Europeans, who were nearly the only people that faced us, were all killed, wounded or made prisoners. There is not in India an example of a similar defeat.

However, the corps after the junction of the detachment of General Munro, numbered at least 700 Europeans, 500 sepoys, with 10 pieces of cannon of 6 lbs. and 15 munition wagons. It had marched since eight o'clock at night, and after we had joined it, it was not able to make two *kos*. This affair took place between Catolur¹ and Perambak, three leagues from Conjevaram in the north-western (really N. E.) direction. It lasted from ten o'clock A.M. up to noon.

Two hours after noon we set out on our march and encamped three leagues from Conjevaram in the south-western direction.

If the Nawab, instead of making this manœuvre, had followed the advice of M. de Lalée, who counselled him to return to the camp from which we had departed in the morning, all would have been said for that campaign about the power of the English, and M. Munro would have been obliged to throw down his arms, and submit himself a prisoner of war with all his army. But the Prince, who knew more than anybody else what he could do with his army, and who is besides accustomed to pushing his prudence to excess, preferred to remove to a little distance in order to avert all surprise on the part of M. Munro. He was content to detach his eldest son with a new corps of cavalry for obstructing the march of his enemy. This failure, which betrays great timidity, ought to be a very valuable test for all the European chiefs. It proves to them that they have

1. A mistake for *Polilur*.

always an assured resource against the greatest powers of India. I mean to say, vigour and activity.

After M. Munro was informed of the defeat of Colonel Baillie, and learnt that the Nawab was not far from him, he instantly took the only course which was convenient to him, namely to retreat, whatever it might cost him. Without losing any time, he took the road to Madras, as lightly as was possible for him. This march cost him much hardship and fatigue. Now harassed by the cavalry, and now attacked by the infantry in ambush, he was obliged to make many halts and to clear a passage by force of gun-fire. Happily for him, he gained at the end of the day, the bank of a river; he skirted it up to Chinglepat, where he arrived during the night, and next day he arrived at Madras with 700 Europeans, 3,000 sepoy and his field artillery, his munitions, provisions and also his military wagon. He had abandoned in Conjevaram four pieces of 18, one of 3 and 3 mortars and many carts.

September 11th.—We marched and came to encamp at $1\frac{1}{2}$ kos from Conjevaram, in a place where the second batteries had been constructed. The Nawab sent to Bangalore the Europeans whom he had made prisoners. They were of the number of 55 officers and 430 musketeers. He kept with himself Colonel Baillie and four other officers.

September 15th.—The army arrived at Conjevaram, the presence of the Nawab there being necessary for settling certain matters. He placed his tent¹ in that once famous Pagoda, of which the fortifications however were now destroyed.

September 18th.—The camp made (one) kos of the return to Arcot. The infantry marched in only one column, the artillery on the right.

September 20th.—Tipu Sahib was detached with the division of M. de Lalée to attack the place in the western direction. We crossed the river at noon, and encamped between Vellore and Arcot, at about $\frac{3}{4}$ of a league from the city.

September 25th.—This night trenches were opened in a large mosque (i.e., Pagoda) which is close to the bank of the river.

September 27th.—To-day the Swiss contingent mounted the trenches at seven o'clock in the morning. They will be on duty for 48 hours; and up to the end of the siege, out of four nights they will pass two in the trenches and two in the camp.

September 29th.—M. de Lalée came to the *darbar* to claim the protection of the Nawab in favour of the inhabitants of Pondicherry who were found to have come by one of his Brahmans who collected the customs duties at the gates of the limits (of the camp). The Prince gave our General the most gracious welcome, and granted all that he asked for from him.

¹ *Il met son tente dans cette pagode* in my MS., which makes no sense. If we read *tente* for *tainate*, we get the above meaning, though the expression is unidiomatic. Can this puzzling word be the Muslim administrative term *tainati*, meaning 'a minor officer deputed to collect revenue?'

[Prof. E.E. Speight says Littré gives an old word *tinage*, which he defines as 'a man, two oxen and a wagon,' Ed. I.C.]

and in order to signify his satisfaction with the manner in which he had conducted the affair of 10th September last, he granted him a large increase of pay.

October 10th.—This night we have constructed a breaching battery of seven pieces of cannon. It is 150 fathoms from the place and at an almost equal distance from the Vellore Gate and from the River Bastion. We have opened a *boyau* (narrow covered passage) which communicates with the works on the river.

October 13th.—The enemy made a sortie upon the works on the river-bank. They have been repulsed with loss, the fire lasted twenty minutes.

October 19th.—We have commenced to batter the breach with five pieces of 18 and two of 24. One bastion of five large pieces which faces (us) and of which we have not taken care to silence the fire, has dismounted five of our pieces. We have a had large number of soldiers slain and wounded.

October 20th.—Tipu Sahib has called up M. de Lalée. He has charged him to remain in the battery and direct its fire at his will, with the two pieces that remain. He has succeeded in silencing the fire of the large bastion as well as that of a small one and also of a piece which stood on the curtain. We have sent to the battery during the night two pieces of 18.

October 27th.—We have battered the breach all the day with the greatest success.

October 28th.—This morning some one issued (from the fort) to parley with our works before the breach and on the bank of the river. Under the fosses we have already thrown a quantity of wood and fascines. However, the breach is not yet practicable. It is said that the breach on the east of the Nawab, who has attacked the place on the eastern side, is very large. There are in his battery six pieces which have fired day and night since the 19th instant.

At five hours and three-quarters of the morning, the Nawab delivered an assault on the city of Arcot. It was taken after a lively resistance at the western breach. The contingent of M. de Lalée suffered much by reason of their not having been properly supported by the troops of the Prince. Undoubtedly his orders have not been executed with all the precision which such an attempt demanded. One portion of the enemy troops had the time to enter the fort, the rest were put an end to, and either killed or made prisoners.

The same day, M. de Penierasse,¹ Captain Commandant, asked for a suspension of arms and offered to capitulate. But the Nawab, who knows no other laws than those of the most absolute despotism, has given him

1. An error for *Prendergast*. "The place was surrendered on the 3rd November. The capitulation was signed by Captain Dupont; Captain (Thomas) Prendergast, the Commandant, having been severely wounded. The garrison, composed of 157 men of the 1st battalion, 1st regiment, about 1 1/2 company of the 5th battalion of sepoys under Lieut. Leighton, and a party of the Nawab's sepoys, suffered to depart in conformity with the terms." (*Wilson's History of the Madras Army*, ii, 12).

no other answer than this : " I wish that all the world should come to me without reservation and without conditions."

November 3rd.—M. de Montgomery, 3rd captain, has come out to arrange terms with the Nawab. His insinuating manner, and it may be some political reasons, have at last determined the Prince to agree that only the English troops should issue up to the glacis of the fort with the honours of war, that they should there pile up their arms, and that immediately afterwards, they should take the road to Madras with their effects, all this subject to the express condition that they will not bear arms against him during all (the rest of) this war.

November 4th.—The English troops which were in the fort of Arcot issued at eleven o'clock in the morning in the manner to which they had agreed. There were six officers, 153 musketeers and 300 sepoy. The remainder of the garrison of a place so large as Arcot were the sepoy of Muhammad Ali Khan. No agreement has been made with regard to them.

JADUNATH SARKAR.

ISLAMIC MYSTICISM

ISLAMIC Mysticism has played a great part in the development of Muslim Culture. In order to appreciate the latter, it is necessary to understand the former.

Dr. Burhān Ahmed Fārūqī has given to the public for the first time an excellent book in English on the Philosophy of Islamic Mysticism, under the modest title: *The Mujaddid's Conception of Tawhīd*.¹ I feel sure that it will be found very interesting, not only by the Muslims in particular but also by the Hindus in general. Its form as well as the matter leave nothing to be desired. The author's method of presenting a difficult subject is quite masterly. Barring the use of a few technical words of ambiguous meaning, his style is crystal clear. His translation of Arabic words and phrases is both apt and exact.

Apart from biographical or theological notes or notices contained in footnotes and the text itself, the book deals exclusively with a psychological fact and a mystical doctrine. The former is the religious consciousness, which I prefer to call the religious sentiment, and the latter is the Tawhīd or Unityism as held and preached by two great Muslim mystics, namely "the Shaikh-e-Akbar" Ibn 'Arabī of Seville (Spain) in the 13th century A.C. and Shaikh Ahmed "the Mujaddid" of Sirhind (India) in the 17th century A.C. In the four intervening centuries, the doctrine of Oneness of Existence (Waḥdat-ul-Wajūd) was in great vogue without dissent or criticism. "It influenced the whole of Islamic Society from top to bottom," says Dr. Fārūqī. "It affected its religious attitude, it affected its moral attitude, it affected its deeds; it affected its æsthetic consciousness, it affected its literature and poetry; and it affected its philosophy and outlook. It was the deepest truth to which man could have access—indeed it was the real meaning of Islam's teaching."

It was, however, an Indian Shaikh who dared attack and attack successfully the Sevillian Shaikh's doctrine for the first time, with great acumen and effect, during the reigns of the Emperors Akbar and Jehāngīr. He refused to attend the Court of the latter except under certain conditions,

1. *THE MUJADDID'S CONCEPTION OF TAWHID* by Dr. Burhān Ahmed Fārūqī, M.A., Ph.D., published by Sh. Muḥammad Aghraf, Lahore. (A review of the book appears in our 'New Books in Review.' Ed.)

mostly religious, which Jehāngīr had to accept and to promulgate as his own orders. He is called "the Mujaddid," the Renewer, because his numerous disciples and followers believed that he "renewed" Islam by purging it from a doctrine contrary to the Qur'ān and Ḥadīth. No less than a full century had to elapse before anyone ventured to criticise the Mujaddid's doctrine, which many thought restored Islam to its pristine purity in its second millennium. Then an attempt was made not to overthrow the new doctrine but only to reconcile it with the old doctrine by pointing out that the difference between the two was only verbal. So firmly was the second doctrine based on the authority of the Qur'ān that no Muslim dared dissent from it, lest dissent should mean disputing the Mujaddid's quotations from the Qur'ān and his interpretation of them.

All religions of the world have their roots in the religious sentiment. Indeed there could have been no religion, if instincts had not evolved such a sentiment. By "sentiment" is meant an object or idea round which the emotions and impulses of certain instincts of man are so organised as to produce a complex of feeling resulting in a particular impulse or attitude. The "religious sentiment" is based on some *idea of God*—generally, the *idea* of a unique Power which controls all and is controllable by none; round the idea the emotions and impulses of such instincts as curiosity, fear, submission, and tenderness are so organised as to produce a *feeling* of entire dependence on that Power; the feeling in its turn energises an *impulse*, attitude, or preparedness to do something or other to propitiate or to be on good terms with that Power. This definition and analysis of the religious sentiment corresponds with the three functions of the human mind itself, viz, knowing, feeling and striving. The first element or the *knowledge* side of the religious sentiment is the idea of God; the second element or the *feeling* side of the sentiment—the product of the several emotions of instincts—is a peculiar emotion of entire dependence on God; and the third element or the *striving* side of the sentiment is what is ordinarily called worship, i.e., the impulse to make some sacrifice or render some service to God directly or indirectly. It is interesting to note, in passing, that "the Universal Prayer" given in the opening Chapter of the Qur'ān as well as "the Lord's Prayer" given in the Gospels of the Bible, confirm the above analysis of the religious sentiment. Each prayer begins with adoration of God, proceeds to express entire submission to His will, and ends with soliciting guidance in the right path of service.

I have ventured to define a sentiment and analyse the religious sentiment in order to classify the mystics according as they lay stress on the one or the other of the three elements, facets or characteristics of the religious sentiment. Dr. Fārūqī calls it "Religious-Consciousness" in its restricted sense of religious attitude, and contrasts it at great length with "Knowledge-Consciousness" or speculative attitude. His comparison of the two is in fact a comparison of Religion and Philosophy on the subject or ontology of the Infinite and Absolute.

The analysis of the religious sentiment enables us to understand why there are three different ideas of God, *viz.* Pantheism, Theism and Panentheism.

There are mystics — though few and far between—in all religions and countries of the world. They try (1) to *know*, or as they say “experience” God, (2) to *feel* or “have the intuition of” God, and (3) to *strive* after or “try to approach” or “love” God in ways and manners peculiarly their own. Their methods and practices called Mysticism are merely attempts “to experience God in oneself”—to know, feel and strive after the World-Soul in one’s own soul or rather in one’s own body-soul. I would state here parenthetically that modern mystics prefer to call “the World,” *i.e.*, Man and his Environment “the World-process,” because they find “the World” in a “continuous process of self-emerging and self-unfolding;” and they write “body-soul” in place of “soul” because they, as a rule, do not believe in bodiless soul or soulless body, just as the men of science do not believe in spaceless time or timeless space; what the latter call “space-time events,” the former call “body-soul individuals.” It is true as Dr. Fārūqī points out that modern mystics are silent. They do not intrude themselves on the public like politicians and they have not written books. But they preach, have disciples, and write letters to them as did the great Mujaddid.

Well then, there are mystics who try to experience God by way of intellect, *i.e.*, by way of the first element or the *idea*-side of the religious sentiment. They are called ‘Āriffs by Muslims and Gnanis by Hindus. Again, there are mystics who try to experience God by way of ecstasy *i.e.*, by way of the second element or the *feeling*-side of the religious sentiment. They are called ‘Āshiqs by Muslims and Bhagāts by Hindus. Both ‘Āriffs and Gnanis (Gnostics) on the one side, and ‘Āshiqs and Bhagāts (Emotionists) on the other side, wish to experience God for the sake of the experience itself, for the sake of satisfying their intellectual curiosity or for the sake of enjoying the pleasure of ecstasy. But there is a third class of mystics who are “the salt of the earth.” They try to experience God not only by way of combined intellect and ecstasy—a complex of the first and second element which they call “Intuition”—but also by way of worship, sacrifice or service, the third element or the *attitude*-side of the sentiment, which they call “Love.” I do not exactly know by what name the Hindu theologians call this third class of mystics. Is it Radhaswamis or Dayalis? But I know that Muslims call them Sāliks. Dr. Fārūqī’s two great mystics, Ibn ‘Arabī and the Mujaddid, belong to the third class. They were Sāliks who “walked on the right path.” Both tried to experience God by way of *all* the three elements of the religious sentiment. They tried to experience God not only by way of intuition but also by way of love or active service to God’s creatures, not only for the purpose of enjoying intellectual satisfaction or ecstatic pleasure and thereby to purify their own individual soul, but also and mainly for the purpose of purifying the morals of communities and thereby to

safeguard "the beatitude of mankind." The Muslim Shaikhs base their teaching and service on the authority of the Qur'ān and the traditions of the Prophet in quite the same way as the Hindu Rishis and great Pandits based their teaching and service on the authority of the Vedas and the Upanishads.

The book under reference purports to be an exposition of Tawḥīd as conceived by the Shaikh of Sirhind in opposition to that conceived by the Shaikh of Seville nearly 400 years before. The Arabic word *tawḥīd* is an infinitive-noun of the second form derived from the root of three letters WaHaDa, and the second form implies generally some extra effort in the act. The word means literally "to make (with some effort) *one unit* of two or more things or individuals." But in the language of Islamic mystics (often called *Ṣūfīs*), it means (i) to believe and hold that God and the World (Man and his Environment) constitute one whole or indivisibly one Existence; (ii) to believe and hold that God is one Infinite and Absolute Being who is above and quite separate from the finite and relative World (the Universe) which he created. Meaning (i) is that which Ibn 'Arabī attached to the word Tawḥīd, and meaning (ii) is that which the Mujaddid attached to that word. Dr. Fārūqī calls the first and the second meanings of Tawḥīd, Unityism and Apparentism instead of Pantheism and Theism respectively. The choice or rather the coining of the terms is quite happy because they indicate the view-points of the two Shaikhs quite clearly. Ibn 'Arabī views Reality as it is, while the Mujaddid views Reality as it *appears*. So, the Shaikh of Seville was a Unityist *Sālik*. According to him, God alone exists and the relation between God and the World (Man and his Environment)—like that of essence and its attributes or of reality and its reflections or emanations—is *oneness*, or unity in the sense that it is impossible for the one to exist without the other. The Shaikh of Sirhind was an Apparentist *Sālik*. He started with the idea of Ibn 'Arabī, the idea of the oneness of God and the world, but soon found it quite unsatisfactory. According to him, God who created the world (Man and his Environment) could not be identified with his creatures, because God existed before creating the world and will certainly exist after destroying it.

Any Hindu theologian who reads Fārūqī's book would consider the Sevillian Shaikh's view to be the pantheist or Advait view of Sri Shankarachari and the Sirhindi Shaikh's view to be the dualist or Dvait view of Sri Madhvachari. This shows how Universal is the religious sentiment and how the views of the relation of God and the World vary according as the religious thinker lays stress on some one of the three elements of the religious sentiment.

It is evident that, on the one side, Ibn 'Arabī was impressed by the first element or the knowledge character of the religious sentiment and—since knowing is finding unity in diversity—concluded that there could not exist any but one Reality or God and all that appears as two or multiplicity is only a reflection or emanation of the Reality, God. *All is God*

and God is all (Hama oost)—Pantheism. On the other side, the Mujaddid was impressed by the second element or the feeling character of the religious sentiment, and—since the feeling of dependence required two, one to depend on the other—he concluded that the Creatures, mere dependents, cannot be equal to, much less be identical with the Creator who is peerless and paramount. *All is from God and God is above all* (Hama uz oost)—Theism. On the third side there are modern Sāliks, headed by Shāh Walī-ullāh of Delhi, who does not see any but verbal differences between the two doctrines of Tawḥīd—Pantheism and Theism. They are impressed by the third element or the service character of the religious sentiment, and—since love could not subsist between two beings of different sorts—they conclude that God is one and unique “self-unfolding and self-emanating Process, assuming forms of things.” According to them, the relation between God and the World is like that of the soul, and body, or like that of time and space—though distinguishable as two yet inseparably one and one whole only. The Hindu theologian who reads the book will not fail to recognise in the third view the Vishist-advait doctrine of Sri Ramanujachari. *All is in God and God is in all* (Hama under oost, wa under hama oost)—Panentheism.

The more modern Sāliks of the 20th century, who adhere to the Panentheistic doctrine of Tawḥīd, influenced as they are by the modern ideas and achievements of science, would express the third form of the doctrine of Tawḥīd thus, avoiding scholastic terms and using only modern scientific terms :—

Existence, call it the Universe, Nature, Reality, Truth, God or what you like, is one and one only. It is not a static being or thing but a dynamic, ever-moving and never-resting continuum, one *Continuum of Movement*, manifesting itself in *two processes*, each in an opposite direction to the other—of which the one may be called negative and the other positive.¹ The two processes can be characterised variously as differentiative and integrative, unfolding and folding, creative and destructive and so forth, but none the less are they two processes only and nothing else. Each process of the Movement-Continuum exhibits immense multiplicity of *modes*—like waves and bubbles on a perennial river—each of which again has two facets like space-time events or body-soul individuals.

Now, all Tawḥīd or Unification—whether crude or refined, expressed loosely or strictly—is an *idea* of God in the mind of man

¹ This definition expresses the much misunderstood formula- (Ek wajūd, Dū zāt) one existence in two aspects—in modern scientific terms, “one continuum (of movement) with two processes.” Vide chapter on “Mighty Continuum” in a small book, *the Philosophy of Faqīrs*, which is in the Press and will be published by the same publisher at Lahore. Readers of works of the late Henri Bergson will be surprised to find that his teaching is in exact accord with the teaching of Shāh Walī-ullāh and his followers. The difference is only in words used. Islamic Mysticism has only to be rescued from its adherence to old ill-defined scholastic terms in order to appreciate how well do its *a priori* conclusions agree with the *a posteriori* conclusions of modern Science.

and *not* God Himself, the Infinite and Absolute. He is far above the comprehension of any idea formed by man who has a finite mind, and lives and has his being in the realm of relativity. It is but man's own idea of God which is a dominant character of his religious sentiment—a mental equipment that serves him as a means or instrument of purifying not only his own soul but also the souls and morals of his fellow men. It becomes an effective instrument, only when the mystic or Sālik realizes the idea *in* himself, in his own individuality, i.e., in what he calls, *I* or *Me*. How to realize it in one's *I* or soul, is the question. Herein comes the mystery of Mysticism. The Muslim mystics call the methods and ways of "experiencing God," realising the idea of God, *Mujāhada*. This has been described as the procedure for "idealising the real and realising the ideal." Its exercises have never been so severe as those of the Tapas of the Hindu mystics. Islam does not favour Asceticism. However, no one can describe mystic contemplation and mystic exercises satisfactorily in writing or by speech. They have always been *imparted*, straight from heart to heart, by adept masters to their accepted pupils. The poet and philosopher Iqbāl sang :

Ghulām-e himmat-e un khud-parastam
Ke az nūr-e khūdī beenad Khudā rā!¹

A. H. AMIN JUNG.

¹ "I am slave to the dash and daring of that worshipper of Self who sees God with (or 'by means of' or 'in') the light of his own Self."

ORIENTAL INFLUENCES ON OCCIDENTAL MILITARY MUSIC

"THE introduction of the drum into Europe has frequently been attributed to the Moors, who are said to have brought it from the East with other musical instruments. Whether this idea can be accepted as correct is extremely doubtful."¹

C. R. DAY.

THIS quotation, which I use as a sort of *ṭali'a*, in an incursion into this field of debate, is taken from a writer whose opinions on the subject deserve consideration because of his contribution to our knowledge of Oriental music in his classic, *Music and Musical Instruments of Southern India* (1891). Yet although this writer was also especially competent in the domain of military music, it seems almost incredible that he should have had any doubts such as those which he expressed in the above quotation.

As a general proposition his statement is substantially correct, because the drum was known in Europe long before the advent of Islam. It was known in some form in both Greece and Rome although it was from the East that both of these lands borrowed it. Yet Day's conclusion, not being conditioned or amplified, has led many writers to assume that we owe nothing to the so-called Saracens or Moors in this respect. It seems advisable, therefore, to probe this question further and to ascertain what Europe has borrowed from the Islamic East in this particular.

I.

THE SARACENIC INFLUENCE

THE word Saracen is admittedly inapt, but such was the term given to Islamic peoples by Christian Europe during the Middle Ages, and it is used here to cover both the Arabo-Turkish polity with which the Crusaders came in contact in the East, and the Arabo-Moorish polity of South-West Europe. The culture contact in both of these polities had an enormous influence on European civilisation. What is of immediate interest is their effect on military music. Just as we see words like *arsenal*,

1. *A Descriptive Catalogue of the Musical Instruments...at the Royal Military Exhibition, London, 1890, (1891), p. 228.*

magazine, *admiral*, *accoutre* in the technical vocabulary of the military arts, all of which are derived from the Arabic *dār al-sin'a*, *makhzan*, *amīr al-[bahr]*, *aḥdara*, we also recognize such terms as *tabor*, *naker*, *timbal*, and others of more restricted use such as *anafil*, *albogon*, *bedon*, *caisse* and *joch*. All of these words are of Arabic origin or influence and are the names of instruments of military music. How did it come about that these words filtered into European languages? Obviously, the instruments themselves must have been borrowed, although it does not necessarily follow that the class of instrument was novel to Europe. It is more likely that it was a particular type that was new.

As I have already described at considerable length the constitution of Islamic military bands elsewhere,¹ I must refer my readers to that source. In the Saracen martial array,¹ the military band which was known as the *ṭabl khāna*, had its numbers regulated according to the rank of the officer who was permitted to have one. The class of instrument used and the kind of music were also determined by rank. In these bands we find the *ṭabl* (drum), *naqqāra* (kettledrum), *kūs* (large kettledrum), *qaṣ'a* (shallow kettledrum), *naḥr* (trumpet), *būq* (horn), *zamr* (reed-pipe) *sumay* (oboe), and *ṣunnūj* (cymbals).

With the Saracens the military band was used not merely as an adjunct of the "pomp and circumstance of glorious war," but as a well-considered factor in tactics. As the Hon. J. W. Fortescue tells us, the Saracen military band was invariably drawn up together with the standards to indicate a rallying point, "for although at ordinary times the standards sufficed to show men the places of their leaders, yet in the dust of battle these were often hidden from sight; and it was therefore the rule to gather the minstrels around the standards and bid them blow and beat unceasingly during the action. The silence of the band was taken as a proof that a battalion had been broken and that the colours were in danger."²

This custom was quite new to the Crusaders who, at first, only had trumpets and horns in the retinue of the high officers, and these were never used in this manner, as we know from the various chroniclers of the Crusades. Thus, it came about that the military band became a recognized unit in the military array and was linked up with the standards until as late as the eighteenth century.³

What specially caught the fancy of the Crusaders were the variety of the drums used, which, with the clashing cymbals, roared above the din of the trumpets, horns and reed-pipes. The immediate result was the adoption of instruments of percussion, which had not hitherto been used by the Crusaders in warfare, the two outstanding drums adopted being the *naqqāra* and *ṭabl*.

The *naqqāra* was a medium sized kettledrum, and it was introduced as the *naker* (Eng.), *nacaire* (Fr.), and *nacchera* (Ital.). In spite of the

1. Article *Ṭabl Khāna* in the *Encyclopædia of Islam*.

2. Fortescue, *History of the British Army*, (1899), vol. i.

3. T. Sime, *Military Guide*, (1781), plan 1.

opinion of Professor Curt Sachs,¹ the instrument was not known in Spain by this form of word, although there is the evidence of the late Latin *anacaria*. In the Iberian peninsula, the kettledrum was known as the *atabal*, and so it would seem that the instrument of this name was due to Eastern Saracen rather than Western Saracen influence. Note also the form *atambal* and *timbale* in Spain.

The *ṭabl* was the ordinary cylindrical drum, although the word in its original generic sense stood for any kind of drum. It was adopted as the *tabel* (late Latin), *tabor* (Eng.), *tambor* (Span.), *tambour* (Fr.), and *tamburo* (Ital.). The interchange of "r" for "l" in the first two words is a general occurrence, as is also the interpolation of the "m" before "b." At the same time it is necessary to recognize the likely influence of the Persian *ṭabīr* in the former and *tinbal* in the latter, which as late as the sixteenth (=tenth A.H.) century was still called the *le tambour des Perses*.² In this case, the Eastern Saracenic influence would be proved.

The adoption of the *qaṣ'a* by the French as the *quesse* and *caisse* appears to have been confined to this nation, although there was the Portuguese *caixa*. Some people would derive it from the conventional Latin *capsa*, but the testimony of Étienne Pasquier in his *Recherches* (1560) would place it elsewhere. He says, "Ainsi en est-il de *tabour*, que les soldats appellent maintenant *quesse*, sans scauoir dire pourquoi."

Another solitary French drum of Saracenic origin was the *bedon*. It was a big drum with bells attached as its name in Arabic indicates *ṭabl badanī* ("big drum"), of which name only the second half has survived, as in the case of the *ṭabl shāmī* and the *ṭabli bāz*.

The *naḡīr* was the cylindrical trumpet which, in the fifteenth (=ninth A.H.) century, was bent back upon itself. It had a much more brilliant tone than the conical tube instruments of the horn type. It was adopted by France as the *anaḡīn* and by Spain as the *anaḡīl*. The hoarse throated *būq* of the horn class was the *alboque* and *albogon* of the Spaniards with whom it later became, as with the Moors, a class of shawm.

Not only were these instruments adopted by the armies of the Crusaders as well as the tactical use of the military band, but even the allocation of particular types of instruments and a stipulated number together with a specified performance of music, were allotted to high officers according to rank, as had been the custom in the Saracenic armies. The practice continued in the British army until the eighteenth (=twelfth A.H.) century and vestiges still remain. Only the *sultāns* and the high *amīrs* were allowed the large kettledrum (*kūs*) and the five movements of the *nauba* or military salute; junior ranks, such as an ordinary *amīr* had to be content with other instruments and the three movements of the *nauba*. In Europe very much the same rule obtained. Whilst royalty and generals had the exclusive use of kettledrums and the playing of a full march,

1. *Reallexikon der Musikinstrumente*, sub "Nacaire."

2. *Tabourot, Orchésographie*, (1588).

a Lieutenant-General and Major-General were only allowed three and two ruffles on the side drum respectively.

Among the likely survivals of Saracenic military customs in European armies is the use of the terms *fanfare* and *tucket*. The former is simply the Arabic word *anfār* (pl. of *nafīr*) in metathesis, although the *Oxford Dictionary* thinks of it as "an echoic word." The latter word is not so clear in its origin, but I believe that it was derived from the Arabic *taq* ("beware") or *taqwa* ("caution, attention"), which a sound by trumpet or drum would provoke, hence the Hebrew term *taqā'* (the sound of a trumpet).

II

THE TURKISH INFLUENCE

WHEN the Turks first set foot on European soil at the conquest of Constantinople (1453 A.D.=857 A.H.), the whole political structure of Europe changed. During the succeeding two hundred years this great Islamic martial array made itself master of the Balkans up to the Austrian frontiers and to the Adriatic littoral. On the southern shores of the Mediterranean, the Sultān claimed allegiance from Algeria to Egypt, whilst in the East, the Crescent reigned supreme from the Black Sea, through Syria and Mesopotamia to the marches of Persia.

Every state in Europe,—Venice, Austria, France, Poland, Sweden and Russia, was arrayed, either singly or allied, against the Islamic host which, having twice knocked at the gates of Vienna, had affrighted the crowns and courts alike.

Although the field is as yet unploughed by military historians, there is sufficient evidence to show that Europe learned something from the Turks in the art of war, just as the Crusaders had learned from the so-called Saracens during the Middle Ages. Perhaps the most exotic of the military arts of Turkey which influenced Europe was the military band, the instruments of which were eventually to find a place in the scores of classical composers.

To fully appreciate what Turkish military was like at this period I must again refer the reader to my article on the *Ṭabl khāna* in the *Encyclopædia of Islam*. For our present purpose it must suffice to deal with what was actually borrowed from the Turks. In the nature of things it was through the Balkans that much of this "influence" came to Western Europe, where many instruments of military still carry evidence of their Turkish origin in their names, as exemplified in the *daule* (Alban.), *daboani* (Bulg.), *daulbas* (Serb., Bosn.), and *tabulhana* (Ruman.), all derived from the Turkish *dāwul* and *ṭabl khāna*: the *zurne* (Alban.), *zurnas* (Greek), and *surla* (Serb.-Croat.) from the Turkish *zurnā*: and the *zile* (Serb.-Croat.) from the Turkish *zil*.

Although the kettledrum had been borrowed from the East at the time of the Crusades, it had fallen into neglect in Europe as a military instrument, and it was not until the sixteenth (=tenth A.H.) century that it was re-adopted. In 1542, King Henry VIII of England sent to Vienna for kettledrums that could be played on horseback "after the Hungarian manner," the *fons et origo* of which was "the Turkish manner." From the evidence of Fronsperger's *Kriegsbuch* (1566) and Tabouret's *Orchesographie* (1588) it would appear that the Germans had also adopted the instrument. The French soon followed suit.

Cymbals were also used on rare occasions by German and French troops with the kettledrum, a custom undoubtedly borrowed from the Turks whose *zil* (cymbals) had crashed with terrific din in their *ṭabl khāna* from time immemorial.¹

There are also good reasons for suspecting that the bands of oboes adopted by the Germans in the first quarter of the seventeenth (=eleventh A.H.) century, was suggested by Turkish custom, since the oboe (*schalmei*, Germ., *zurnā*, Turk.) had long been the mainstay of Islamic military bands. These bands of hautbois were introduced into France prior to 1643 and into England in 1678.¹

More definite and important was the Turkish influence on European military music in the early years of the eighteenth (=twelfth A.H.) century. The credit of having inaugurated this, belongs to Poland and was due to the full Turkish military band which Augustus II (d. 1733), the King of Poland and Elector of Saxony received from Constantinople. Russia was the next to acquire a Turkish military band when, in 1725, the Empress Anne (d. 1740) sent a musician to the Turkish capital to form one of these bands. A combination was raised there consisting of twelve to fifteen players who performed on some three or four oboes or reed-pipes (*jūrā zurnā*), one or two larger oboes or reed-pipes (*qabā zurnā*), a fife (*nai*), a pair of kettledrums (*kūs, naqqāra*), a bass drum (*dāwul*) played with a double-headed stick on one side and with a metal rod on the other, two pairs of ordinary cymbals (*zil*), one large pair of cymbals, and two triangles.

Austria followed the new craze, and in 1741 the Chevalier von der Trenck marched into Vienna preceded by a Turkish band. The French adopted the innovation about the same time and the famous Marshal Count de Saxe (d. 1750) had this Turkish music in his Uhlans during the Austrian Succession War of 1741. By about 1770 most armies had adopted the new style of military bands, which in most cases meant the addition of the bass drum, kettledrum, cymbals, triangle, tambourine and jingling johnnie, to the ordinary wood-wind combination, known on the Continent as *harmonie musik*.

In many instances, Turkish musicians were engaged to play the Janissary music as it was sometimes called, but as vacancies occurred,

1. See my *Rise and Development of Military Music*, chap. iv.

their places were filled by negroes who were dressed in the most extravagant Eastern style. On some occasions this so-called Turkish music did not please the Turks. It is recorded that Frederick II (d. 1786), King of Prussia, had a band of Turkish music which he commanded to perform before Aḥmad Effendī, the Turkish Ambassador at Berlin. After listening attentively the latter said, "That's not Turkish," whereupon the King sent at once to Turkey for the genuine article.

For over a century, the percussion instruments of this Janissary music remained a special feature of European military bands. The first to be discarded was the small portable kettledrum, followed by the tambourine. Then came the neglect of the most typical of all the instruments of Janissary music, the jingling johnnie. This "tool," as Wagner would have called it, carried in its name a reminiscence of its Turkish appellation which was *chaghāna*, which in English was vulgarized into "johnnie." Originally, it was the standard of the band and consisted of a pole furnished with horizontal crescents and a pavilion en metal, from which depended small bells and cymbals which sounded when the instrument was shaken. It was also furnished with horsehair tails (*tūq* in Turkish) which was a relic of the rank of the *pāshā* who controlled the band.

The craze for these Turkish instruments was not confined to the military, but found a response in other quarters. In popular music, composers began writing special parts for the triangle and tambourine as an accompaniment to pianoforte music, and ladies are delineated playing on these instruments. Indeed, so favoured did the instruments become that pianofortes were specially constructed with a keyboard and attachments which sounded the drum, triangle and tambourine, as in Joseph Smith's patent of 1799.

Of greater import, however, was the recognition of the value of the instruments of Turkish music by composers of classical music, Mozart and Beethoven being the pioneers in this particular. It is true that both Marais in his opera *Alcione* (1706) and Gluck in his *Iphigénie en Tauride* (1779) had already used the side drum, whilst Lully is claimed to have used the kettledrums as early as 1670, but it was the adoption of these instruments by the military band, in the Turkish music additions, which led to the real recognition of the value of these instruments, not merely in rhythmic and dynamic sphere, but as vehicles of novel tone colour in the orchestra, of which they have to this day formed an integral part.

A NOTE ON NOISE AS A CONSTERNATER IN ISLAMIC ARMIES

NOISE and clamour as a means of creating fear, dismay and panic in time of war, now being practised by the Nazi hordes with considerable

effect, is by no means a novel idea. It was practised in ancient times by the armies of Persia, Greece and Rome, who used noise-producing instruments, "the terrifying and shrill sounds of which are not in the power of man to endure," as Ibn Zaila (d. 440 A.H. = 1048 A.D.), a disciple of Ibn Sīnā says.¹ The practice was adopted by Islamic armies at an early period and the earliest of the noise-producing instruments used by them are of the highest interest.

In the Arabic *Kitāb al-siyāsa*, claimed to be a translation by Yūḥannā ibn al-Bīṭrīq (d. 200 A.H. = 815 A.D.) of a Greek work said to have been compiled by Aristotle for Alexander the Great, we read as follows:

"Let there be plenty of frightening and terrific sound-producing instruments, for, verily they will inspire thy men with courage and those of thine enemy with fear."

The Arabic texts of this work which have survived, appear to be compends because the Hebrew translation made by Jehudah al-Ḥarīzī (d. c. 614-15 A.H. = 1218 A.D.) is much fuller, and in this the passage reads:²

"Provide [thyself with] . . . terrifying instruments which make horrible noises, for thereby thou wilt encourage thy army and strengthen their souls, and thou wilt frighten those with whom thou wagest war, and dread will enter their souls. . . . And thou shalt dispose thy army thus. . . . on the left . . . those hydraulic instruments which cause dread and trembling, which I made for thee when thou didst engage with B.l.h.h. the Indian. When they heard those frightful noises their hearts quaked, the horses ran away, and thy victory was due to the large number of these instruments which I have mentioned."

The *Kitāb al-siyāsa* was also translated into Latin as the *Secretum secretorum* and in the version of Roger Bacon (d. c. 694-5 A.H. = 1294 A.D.), we are told that it was a "bronze horn of wonderful artifice,"³ the precise construction of which is described in an Arabic treatise attributed to a certain Mūrīṣṭus entitled '*Amal al-ālat allatī ittakhadhahā Mūrīṣṭus yadhhabu sautuhā sittīn mīl*' ("Construction of the Instrument which Mūrīṣṭus Invented, the Sound of which Travels Sixty Miles"). The text has been published in *Al-Maṣḥrīq* (ix), whilst a complete English translation is given in the present writer's book, *The Organ of the Ancients: From Eastern Sources* (1931, p. 128).

The instrument, of which several designs have survived, was an organ of the *hydraulis* type similar to that described by Heron and Vitruvius. In the Mūrīṣṭus treatise, we are told that it gave "a loud, terrifying sound . . . and affrights the hearts [of those who hear it]." So appalling was

1. *Kitāb al-kāfi fī'l-mūsīqī*, British Museum MS., Or. 2361, fol. 234.

2. See text and translation in *Journal*, Royal Asiatic Society, 1907-8.

3. See *Secretum secretorum*, (Oxford, 1920), p. 151.

the noise that those who manipulated the instrument, were compelled to "have their ears stuffed with cotton, and covered over with wax, in order that their senses may not depart, and they may not be injured in the ears."

The instrument is also mentioned by the *Ikhwān al-Ṣafā'* (4th cent. A.H. = 10th cent. A.D.); who speak, of certain terrible noises which, when they fall on the ears suddenly, are liable to cause sudden death. "These [noises]," they say, "are found in an artificial instrument called the organ (*urghan*). And the Greeks used to employ in wartime in order to terrify the souls of the enemy."¹

Yet Islamic armies made little use of this contrivance, although they fully appreciated the value of noise as a means of disconcerting an enemy. This tactic of noise, clamour and din, became one of the functions of the *ṭabl khāna* or military band, and we know from the Western chroniclers of the Crusades how this "noise" threw the Christian host into dismay and panic on more than one occasion. Geoffrey de Vinsauf speaks of the "horrid clang" of the Saracen trumpets and drums. "In front," he says, "came certain of their admirals, as was their duty, with clarions and trumpets, some had horns, others had pipes and timbrels, gongs, cymbals, and other instruments producing a horrible noise and clamour."²

The trumpets (*anfār*) of the Saracens, as well as their horns (*abwāq*), were at least thrice as long as those of the Crusaders, and must have produced the most awe inspiring effect. The pipes (*zumūr*) were not like our delicate instruments of the oboe family, but were of a much larger bore and played with a coarse reed which was not played by the lips but taken entirely into the mouth, the tone being identical with that of the bagpipe. As for the drums, there were the ordinary cylindrical drums (*aṭbāl*), the ordinary kettledrums (*naqqārāt*), the large kettledrums (*kusāt*), and later a monster kettledrum (*kūrghā*) introduced by the Mughals. Cymbals (*kāsāt*, *ṣūnūj*) of two kinds, the cup shape and plate shape, added to the noise-producing instruments of the *ṭabl khāna*.³

HENRY G. FARMER.

1. *Rasā'il*, (Bombay, 1887-8), i, 92.

2. Bk. i, chap. 23: Bk. iv, chap. 18. Bohn's *Chronicles of the Crusades*.

3. For details of these instruments see my articles, *Ṭabl*, *Būq*, *Mizmār*, *Ṣanj*, and *Ṭabl Khāna*, in the *Encyclopædia of Islam*.

CULTURAL ACTIVITIES

CULTURAL OPPORTUNITIES IN NORTH AFRICA

(THIS article, written by one who has been associated with *Islamic Culture* since its inception, advocates the participation of trained Muslim young men in cultural activities in North Africa, in the broadest sense of the word culture, working in collaboration with whatever political administration be established as a result of the happy coming-together of Britain and Islam in their opposition to the forces of terror and destruction now abroad.

The term North Africa as used here includes all the northern half of the continent, especially those regions which have come under Arab influence during the course of history—regions whose populations are classed under the designations Semitic and Hamitic.

Before leaving England for the Far East, the writer, who was an original member of the African Society, was responsible for the publication of several books on Africa, including the *Story of West Africa*, by his friend Miss Mary Kingsley. He was also in touch with Sir Harry Johnston, Olive Schreiner and Miss Flora Shaw, later the wife of Lord Lugard, whose administration in East and West Africa made history).

WHATEVER by the time these lines appear in print may be the turning this world-commotion may have taken, this disastrous turmoil which, from the point of view of our two peoples whose civilization owes so much both to the ideals of ancient Greece and those of the Semitic peoples, is nothing less than a struggle of sanity against mass-insanity, one thing is becoming increasingly clear and dominantly urgent.

It is the duty of all of us who can to contribute towards a solution of the problems which will confront the world when fighting ceases: Our contribution may be erratic or well-reasoned, light or weighty, presumptuous or timely. It may be only a suggestion, but how often in history has not a suggestion—a phrase or a slogan merely—proved the germ of practical effort which has signalized real progress.

The object of this article is to offer a suggestion which it is hoped may link Islamic Culture with post-war constructive work, in activities that may be as helpful and memorable as the present comradeship which unites Islam and Britain in such welcome defence of humanity.

This is no time for the hazard of Utopian schemes, nor would it be anything but a waste of words to venture on any plan to cover the needs of more than a section of the world.

Now, there is one such section in the just and orderly development of which the peoples of the Islamic faith and the English-speaking nations have particular interest, historical, political, commercial and in the former case, vitally cultural. This section is the region lying south of the Mediterranean, deep into Africa, bordering the Red Sea and the Atlantic. It has hitherto been the hunting-ground, by no means always a happy one, of a number of European powers, and commercially India has had, and still has to a lessened extent, a share in the opening up to trade of this vast area. It is only too well known how the Italian violation of Abyssinia, so bitterly resented throughout India, resulted in much injustice to enterprising Indian merchants, who were compelled to close down their businesses in that country.

It seems to me that it is just this region of the increasingly important world of Africa which could, with the least friction, thanks to the turn things have taken, be made the venue of an experiment in cultural development which might go far towards the obviating or settlement of some post-war difficulties. The difficulties are already looming ahead very ominously, though it must be said they are being made easier of solution by the amazing part played by the coming-together of two of the greatest forces for good in the modern world—Britain and Islam, now united by a new determination to withstand and defeat the evil which threatens all the good they stand for.

It is possible for us, in the glow of our conviction that such a coming-together is a dispensation of the Best of beings, to build and leave to our descendants a memorial of our high intentions which shall not only revive and restore our great traditions, but give an upward trend to world-civilization.

There is inspiration in the hope that we may remain united,—the peoples of the British brotherhood of nations and those whose spiritual guide is a supernal light from Arabia of old—in whichever circumstances we may find ourselves; in the hope that we may remain united, not only in remembrance of the heights to which our vigour and love of adventure have led us, but in a vision of a new era of constructive activity, still upheld by the ethical and religious principles which have guided us at our highest moments.

In plain words: Why not apply to many backward regions of the Northern half of Africa, a combination of practical, honest and efficient control with the fervour, sympathy and dignity which have been largely a gift of the religions of our two peoples?

One of the main needs to-day is a breaking down of the barriers between religions as well as between nations. This would seem to be best effected by collaboration in social work of a constructive kind, a sharing in secular endeavour.

Britain and Islam meet in Africa, and great is their opportunity, in oneness of purpose, to bring about a fertilizing 'New Order.'

There is one particular way in which the unifying effects of the present

war may prove to be of ultimate advantage in the developments this article has in view.

Recent history of foreign activity in the Northern half of Africa does not seem to warrant any optimism regarding associated cultural activity from the Islamic point of view. There are European organizations which have staked out claims and insisted upon them by what are clearly unfair prohibitions. In certain parts of Africa, it is forbidden to employ in Government service any Africans educated in the schools of Protestant societies. This prohibition, I am told, appears in practice to be confined to Africans educated in higher Protestant schools. And except in countries like Kenya and Tanganyika, where there are Government schools, the Muslim population can only obtain education at Christian schools, which they unavoidably mistrust, and so rarely send their children to them. Hence the Muslim populations tend to remain uneducated and so inarticulate. This is particularly unfortunate at the present moment, when it is becoming more and more urgent that the voice of Islam should be heard on the subject of development in all spheres in Central and North Africa. Unless this comes about, the views of the great Muslim populations may not find expression at the Councils of State after the war.

In Abyssinia, Eritrea and the Belgian Congo, there are religious disabilities which strictly limit freedom in education. Now it would seem that these limitations and disabilities may have a chance of being removed in the event of the war resulting in the victory of the Allies, who are unlikely, especially when reinforced by Indian opinion and consideration, to allow their continuance.

It is this association of Indian ability and ideals with British administration which, I believe, will ensure a juster allocation and co-ordination of endeavours in this constructive direction. And one of the main endeavours should be towards the encouragement of African utterance.

In East Africa, where the bulk of the population belong to the Ismailia community, H.H. the Agha Khan encourages his followers to pursue an enlightened policy. Similarly in Kenya there are strong allies in the Bohra community.

Both these forces would prove of invaluable assistance in establishing a new order in North and Central Africa free from the deadening influence of prejudiced localism. I would advocate a cultural unity such as obtains in India, as the gatherings of our learned societies testify.

It is said that when a certain African was giving evidence before a committee of investigation he was asked what foreign institution he thought would be likely to remain in Africa were all European influence to end. Unhesitatingly he replied : " Football."

Certainly there was a nucleus of real value in that answer. For, as is part of the American creed, there has never been any such unifying influence as well-conducted sport, which is the happy correlative of indoor culture. Moreover, it is sport that is helping to drive the wrong sorts of superstition out of Africa. What these superstitions can do is vividly

illustrated by Mary Kingsley's experience. Speaking of African witchcraft, she says :—

" I have seen mild gentle men and women turned by it in a moment to incarnate fiends, ready to rend and destroy those who a second before were nearest and dearest to them. Terrible is the fear that falls like a spell upon a village when a big man or big woman is just known to be dead. The very men catch their breaths, and grow grey round the lips, and then everyone, particularly those belonging to the household of the deceased, goes in for the most demonstrative exhibition of grief. Long, low howls creep up out of the first silence, those blood-curdling, infinitely melancholy, wailing howls—once heard never to be forgotten." (*Travels in West Africa*, 316).

The work I am suggesting is a kind of missionary activity. But it is rather companionship in all walks of life than doctrinal religion. There are Christian missions all over Africa, doing highly valuable and unselfish work, often under very harassing conditions. The faith which diffuses there has been sincerely expressed by Mr. Arthur Copping, in his *Banners in Africa*.

" We for our part need to realize that in dealing with this profound and hitherto insoluble problem of black and white we have only one thing to go by, and that is Christian fairplay, honest dealing, pity, mercy and the helping hand. The fundamentals of the Christian religion, to my mind, are the only key for solving the native question in Africa, and that key is going to be put in the door by this mighty organization."

This key of sympathetic understanding, may I add, is just the one which has to be used by every individual, whether Christian or Muslim, when working in Africa. It is not a question of sect, but of humanity. Prof. Julian Huxley has succinctly put a conviction which many of us are feeling in connection with the needs of the world to-day.

" At the present moment there is one great source of wasted energy. Many people with the missionary spirit do not belong to any Church. As a result there is at present no outlet in the missionary field for their enthusiasm. If it were possible to organize a non-sectarian mission, a large new supply of energy and devotion would be put at the service of native peoples. Any such body, though unsectarian, would have a truly religious aim—to work, so that Africa-to-be should have more life, better and richer life, and enjoy it more abundantly." (*Africa View*, 345).

The able fulfilment of such an undertaking requires training of course, and that training must be largely practical. Military service and scouting each give something that would contribute to efficiency, and for relief of mind there should be some hobby of scientific value, whether anthropology or botany or any other study for which Africa provides such abundant material.

It must not be thought that all Africa is a heart of darkness. African character precludes that. We do not expect peoples who have been completely out of the current of civilization for so many centuries to take to our ways of life at once. But we all know the great part which negroes, whom General Smuts has called the only happy race in the world, are playing in various parts of the world, and how great an attraction their fine qualities have for us.

It is not merely the personal charm of a Robeson or a Constantine. Closer study has revealed other qualities much needed to-day. A writer in *Man*, Mr. E. Torday, has told us that the West African takes himself very seriously, and that his outward characteristics veil a deep love for his traditional institutions, in whose defence he is capable of dogged and combined systematic efforts. "He is a democrat to the core, and has shown that he can make the will of the people prevail over autocracy."

"Many books on Africa have given us most dismal pictures of life, climatic conditions and the dangers of travel there. But many things have been changed during the past twenty years. To-day the various African dependencies, governed by an admirable staff of administrators, are rapidly becoming organized states with their own patriotisms, their own life. Slavery (save in Abyssinia and perhaps in some remote parts of West Africa) and tribal war are no more; alien trade and settlement are carefully regulated; there are State medical, agricultural, and forest services; scientific discoveries, unknown in their pioneer days, are being requisitioned to build the foundations of health and prosperity; railways, steamers and motor-buses speed up transport; the people themselves are anxious for education, and the breath of ideas is stirring among them."

Such is the condition of material advance as reported by Prof. Julian Huxley. Not that he thinks this to be all that is needed, for he urges the operation of the very plan which, with its application to Muslim youth, is the keynote of this article.

"I can indeed think of no better outlet for the energies and aspirations of young men (and perhaps soon young women too) who, though possessed by the missionary spirit, have no zeal for a particular sect or creed, than the educational service in Africa. Here is a whole continent demanding fuller life, and to satisfy that demand will need all the resources of energy and imagination of which our educational missionaries are capable." (*Africa View*, 317-18).

Even so far west as the Cameroons, there are wonderfully alluring relics of Islamic culture to be seen. André Gide, in his *Travels in the Congo*, gives a picturesque description of his meeting with the Sultan of Rei Buba.

"Then we saw advancing towards us twenty-five horsemen whose appearance, though bizarre was sombre and sober. It was only when they had come close up to us that we saw they were dressed in dull steel coats-of-mail and had on their heads helmets topped by very

strange crests. The horses were perspiring, prancing, kicking up the dust magnificently. Then the curtain of horsemen divided and let through sixty admirable lancers, dressed and helmeted as for the crusades, on caparisoned horses. Almost at once after, these parted in their turn, like the bursting of a dyke, under the pressure of a hundred and fifty horsemen in Arab dress, with turbans on their heads and each carrying a lance in his hand. More floods of people then succeeded each other more and more rapidly, pushed forward by a thick wall of foot soldiers—archers in serried ranks and perfect order. Behind these could be seen something which seemed at first incomprehensible ; this was a quantity of bucklers of hippopotamus hide, nearly black and held at arm's length by the performers in the rear. I myself was caught up into this extraordinary ballet, and everything seemed to melt into a glorious symphony. I lost count of details, and behind this last curtain of men as it parted I beheld nothing but the Sultan himself surrounded by his bodyguard and standing before the town walls. . . . At our approach, he descended from a kind of palankeen drawn by stooping naked men. . .

The Sultan was very tall. I was struck by the beauty of his expression. He had certainly rather be loved than feared. He spoke in a low tone of voice, with his arm paternally, and as it were tenderly, laid on the interpreter's shoulder. After the first compliments had been exchanged, we mounted our horses again and went on in front of him into his town. Six trumpets sounded continuously, composed of a very long antelope-horn connected with an ivory mouthpiece by a sheath of crocodile skin. The populace was picturesquely arranged in groups half-way up the slope."

Nor must Prof. Huxley's picture of the outward side of life in Africa, the superficial accommodation to western civilization, be taken to give assurance of psychological discardings. His appeal for the supplementing of civilized occupations by the supply of teachers of the right kind shows that something more is needed than rapid communications and flourishing trade. The whole of Miss Kingsley's remarkable writings on African mentality support this, and she gives invaluable advice by way of help to the understanding of the African mind. For example: "When you have found the easy key that opens the reason underlying a series of facts, as for example these: A Benga spits on your hand as a greeting: you see a man who had been marching through the broiling sun all the forenoon, with a heavy load, on entering a village and having put down his load, elaborately steal round in the shelter of the houses, instead of crossing the street; you come across a tribe that cuts its dead up into small pieces and scatters them broadcast, and another tribe that thinks a white man's eye-ball is a most desirable thing to be possessed of—do not, when you have found this key, drop your collecting work with a cry of 'I know all about Fetish,' for you don't, for the key to the above facts will not open the reason why you should avoid at night a cotton tree that had red earth

at its roots ; or why combings of hair and parings of nails should be taken care of ; or why a speck of blood that may fall from your flesh should be cut out of wood if it has fallen on to that, and destroyed, and if it has fallen on to the ground stamped and rubbed into the soil with great care. This set requires another key entirely." (*Travels in West Africa*, 296-7).

The search for such keys is one of the many ways in which the sympathetic understanding works, and the remarkable advance in the study of anthropology during the last generation is evidence of the determination in many quarters to substitute sympathy for callous indifference in intercourse with people we little understand.

England has during this century been hard at work among North African tribes, and this work is centred in what may be called vital education. Evidence has been pouring in, ever since the founding of the African society some forty odd years ago, of the increasing importance of the world of African character, from Nubia to Gambia, from the lands of the Tuareg and the Senussi to the Zambesi itself, and the ground is being cleared everywhere for the elimination of magic and sorcery by the new teaching originating in the sister lands of Palestine and Arabia, which insists on humanity and justice.

There are countries where faith has declined, owing to the stagnation which comes about where there is no field for the free development of human faculty. But to-day the situation has changed. Latent powers are being set free to the opportunities afforded by the pioneer work of science. Energy formerly spent on the dialectics of religion and philosophy, which tend to lead into waste land, now finds outlet into fertile areas.

The tonic of secular activity, now in welcome operation in India, with her immense possibilities, is the only thing which can arouse the world from the degeneration of complacency. The delight of our manhood to escape from this downward trend is shown by the zest and efficiency of our young pilots and their doughty Indian comrades in their magnificent performances.

It should be possible for our two sources of manly initiative, aided, let us hope, by the good-will of Frenchmen, who have had so much valuable experience of African problems and conditions, to pool our efforts to bring under the influence of our shared assistance the more promising of the tribes of North Africa, and to give them the training they need, not only in the activities of higher civilization, but in the development of their own traditional forms of culture. The presence of so much Arab blood in those peoples is making itself felt in striking ways, and should help to wean them from lowering practices and so cause them to follow the call of adventure in social and intellectual departure.

Closer intercourse should naturally lead to mutually helpful relations, of course outside political administration, although from now onwards there are likely to be more facilities for liaison work between administrative and cultural organizations.

There are opportunities for co-operation and consolidation strongly

supported by two salient facts. One is the success which British administration has enjoyed in North Africa and the trust which is reposed in her motives and methods.

Another is the eminently social and sociable character of Muslim ethics, and the original insistence on equality, which enjoin the followers of the Prophet to associate without reserve with the poorest of the faith. The peoples of North Africa need brotherly help from those who believe as they do. This can be given by young Muslims from Egypt, Arabia, Iraq and India who have received effective training in manly activities and in scientific control of natural resources, in engineering, medical work, housing and sanitation. There is a world of most important occupation waiting to be peopled by young men who are capable, trusty and enthusiastic. Much of it is work which Europeans cannot undertake owing to climate, lack of knowledge of Arabic, and unfamiliarity with local customs and conditions. It is a work of risk and adventure, but one which will bring rich rewards in the experience gained and the results obtained.

It is not merely the imposition of modern scientific method in all material ways of life, but the giving of hope, health, human rights and decent interests to millions of people who have known little of such things in the past, and who have suffered much degeneration in consequence. As an outlet for the energies of young Indian Muslims, graduating from our Schools and Universities only to be doomed to a difficult struggle for existence, such a chance should lead to a wide range of opportunity. For themselves, as well as for those with whom they were to become associated as bringers of help, it would in many cases be an education of a truer kind than indoor study can afford. It would bring enlightenment into thousands of dark homes and give scope for initiative hardly possible to exercise in their own country and conditions.

International cultural relations form a fascinating study, especially as a development of the idea of the University. In fact, such relations form a necessary corollary of the idea and ideals which should vivify every University. The main ideal of a University is to equip the local student to grow beyond the local view, and to look out not only into the greatness of the past but with the possibilities of the future greatness and welfare. We have to realise, as Prof. Whitehead says, that the great achievements of the past were the adventures of the past; that bolder adventure is needed—the adventure of ideas, and the adventure of practice conforming to ideas; that without adventure civilization is in full decay.

In the cultural development of the new North Africa, the recognition of this is most desirable. The Arabic and English languages are likely to be nobly associated in this great work, for it must be a part of education in that land of a thousand tongues to establish the knowledge and use of two such rich media of intercourse.

We British, like many sections of the Indian population, have ethnic connection with North African peoples. Modern studies in ethnology

and comparative philology are playing havoc with the preconceptions of our fathers. Baron Von Ehrenfels, following up conclusions of Sir John Marshall, supports an Arab origin of the population of Malabar, long before the Arab immigration which led to the founding of the Moplah community. Similarly, linguistic study has led Keltic scholars to discoveries which point to an African origin of the early British. Sir John Rhys stated that the Keltic languages preserve in their syntax the Hamitic, and especially the Egyptian type. And Sir John Morris Jones tells us that the pre-Aryan idioms which still live in Welsh and Irish were derived from a language allied to Egyptian and the Berber tongues.

If the idea behind this article should materialize, the means of its being carried out, to whatever extent, could be easily devised. I have had dreams of a general council to supervise a multitude of local committees and to meet, say, on the summit of Kilimanjaro or at the springs of the Nile. But, to be serious, the beginnings are likely to be small, and in the nature of an experiment. If a delegation of, say, three young Muslim graduates from Indian Universities, each of them a proved master of some physical science, were to be sent on a leisurely journey through the main countries of North Africa with instructions to take notes freely on social conditions and institutions, the experience would be invaluable. Their journey would be more successful in that so much of the course has already been cleared by the momentous development under British administration.

Perhaps I may be allowed to suggest the desirability of publishing in *Islamic Culture* more information about North Africa. In spite of all the excellent research conducted on African subjects by British, French, Italian and German scholars, there still remain vast fields to be explored with the aid of the new knowledge at our command, not merely from historical points of view, but by investigation demanded by economic and other kinds of human progress. This makes it more than ever necessary that young men sent from India and other parts of Asia should have had scientific training and be capable of telling us what they experience, or discover in simple, trustworthy language.

E. E. SPEIGHT.

FOREIGN COUNTRIES

AFGHANISTAN

THERE is an interesting article in the monthly کابل of Kābul, of December 1940, by Shāghlī 'Abdul-Ḥaīy, on the use of the words *Afghān* and *Afghānistān* in classical literature. Owing to the fact that the Muslim armies reached Afghānistān in the very time of the Companions of the Prophet, there is no dearth of references to the place-

names of *Afghānistān* in classical Arabic literature. Yet the words *Afghānistān* and *Afghān* have occurred neither in *Ṭabarīy* nor *Ya'qūbīy* nor *Mas'ūdīy* nor *Balādhurīy*. And according to the writer, the earliest use of the term is to be traced in the Persian geography *Hudūd-al'ālam* (compiled in 372 H.):—

سول دهی است برکوه بانعمت . و اندر و افغانان اند . و چون ازینجا بروی تابه حسینان راه
اندرمیان دوکوه است ... بنیهار جائیست بازشاهی اومسلمانی نماید و زن بسیار دارد از مسلمانان
و از افغانان و از هندوان بیش از سی کس . و دیگر مردم بت پرستند (ص ۳۱)

Then after a considerable gap, 'Utbīy, Bērūnīy and others use the term in question. *Hamdullāh Mustaufīy* and 'Abdarrazzāq Samarqandīy, however, use the form *Avghān* and *Avghānī*.

As for the term *Afghānistān*, the earliest use so far registered is the *Ṭarīkh* of Saifīy Harawīy (compiled in 618 H.):—

“وخطه هرات تا اقصای افغانستان وحد آموی بدو مفوض کرد”

AMERICA

IN the annual meeting of the American Oriental Society of New York for the year 1940, Dr. Miss Ilse Lichtenstädter read an interesting paper on “Folklore and Fairy-tale Motifs in Early Arabic Literature,” which has now appeared in the American journal, *Folk-Lore*, Vol. 51 (September 1940). Verses, proverbs and similar material have been scrutinised, and although there is scarcely any reference to “fairies” as such, interesting comparison has been made with Biblical and other international stories.

The same authoress read a paper in the American Academy for Jewish Research on “Some References to Jews in Pre-Islamic Arabic Literature,” which has appeared in the Proceedings of the said Academy, Vol. 10, 1940. The sentimental rather than historical and scientific approach to the treatment of the Jews of Madīnah, meted out by the Prophet, may be excused on the part of the authoress, for otherwise the treatment of the subject is exhaustive. The article is also useful for the wealth of references not easily accessible or even known in India.

ENGLAND

A Circle of Hyderabad Studies has recently been organized in London, reports the *Rahbar-e-Deccan* of Hyderabad. It is announced that a library is fast accumulating on all that concerns Hyderabad.

Mr. H. A. R. Gibb, Professor of Arabic in the University of Oxford, writes on the article “Muslim Conduct of State” now appearing in

Islamic Culture to the following effect :—

I have read the Thesis by Dr. Muḥammad Ḥamīdullāh on Muslim International Law with the greatest care and interest. The subject is, as a whole, one that has been little investigated, and that demanded much original research, as well as special qualifications in both legal and Arabic studies on the part of the researcher. Dr. Ḥamīdullāh's Thesis appears to me an eminently successful piece of work in both respects. His range of sources is exceedingly wide, and the exposition, which is well arranged, clear and thorough, covers the whole ground adequately. I have been specially impressed by the skill with which he has utilized the historical material relating to the early history of Islam and by the fullness of his citations. . . .

ARABIA

BRETSCHNEIDER, a Russian Orientalist, has published an interesting monograph in English on " The Knowledge possessed by the Chinese of the Arabs " in classical times. Exhausting original Chinese sources, the author has many interesting things to tell regarding early Islam, and many a fact related by Arab historians has been corroborated by contemporary Chinese testimony ; as, for instance, the Muslim attack on China in the time of the third Orthodox Caliph, 'Uthmān, who is also reported to have sent an envoy to the court of the Chinese Emperor—a fact unknown to Arab authors.

In a scientific society of Hyderabad, there was a lecture on the knowledge possessed by the Arab historians of India before Islam. Among the many legends, Ṭabarīy records that there were even naval battles between India and Persia before the advent of Islam. This is interesting in view of the prevalent notion that neither Persia nor India had any aptitude for seafaring.

GENERAL

URDU is now employed for radio broadcasts in England, Germany, Italy, Egypt, Russia, Turkey, Japan and other countries.

DECCAN

Dā'iratul-Ma'ārif.

THE Dā'ira has published the *Kitāb al-Khail* (كتاب الخيل) by Abū-'Ubaid from an old manuscript in Madīnah. It is fully vocalised. The *Kitāb al-Af'āl* (كتاب الافعال) is now in the press and is also to be printed

with diacritical signs. Further volumes of Ibn-al-Jauziy's *Muntaẓam* are also in the press. Ibn-Ḥabīb's *Kitāb al-Muḥabbar* has been made ready by the editor and is shortly to go to press.

Hyderabad State-Library.

Under its new energetic director, the State-Library has achieved the long-cherished desire of being kept open for the whole day from 8 a.m. to 8 p.m.

It is gratifying to note that almost two thousand books were acquired last year for the library in spite of the War, when communications are difficult, prices are high and output is dwindling.

The library now possesses over 10,000 MSS. in Arabic, Persian and Urdu, many of which are unique and very costly.

The new director has also received sanction that the section of the district languages of the Nizām's Dominions, viz., Kanarese, Telugu, and Marathi should be strengthened. On account of the Muslim rule in Karanatik, especially of Hyder 'Alī and Tīpū Sultān in Mysore, there is no dearth of Islamic literature in Kanarese, yet unfortunately much of it remains in MSS. and very little has been published. The very large collection of Kanarese manuscripts, on palm-leaves, etc., from the royal library of the 'Ādil Shāhīs, recently acquired by the Osmania University Library, may bring to light many a gem in this branch also.

The installation of a photographing apparatus is the greatest need of the State-Library. It would cost only a few thousands and would be appreciated by Orientalists all over the world; and the cost would soon be repaid with profit. At the moment, the precarious system of amanuenses persists, and with the slackening of Arabic studies in this class of professionals, the value of their antiquated labours is fast declining.

Exhibition of Qur'ān-MSS.

The Economic Committee of the Osmania Graduates Association has been year by year holding an Industrial Exhibition on a grand scale in Hyderabad. Their work was further enhanced in value this year by a Section of the Intellectual Exhibition arranged by the Hyderabad Museum. The exhibition of the MSS. of the Holy Qur'ān in the possession of the Museum, numbering hundreds, in all sizes and modes of calligraphy as well as in variety of historical connections, such as one written by the Emperor Aurangzēb, etc., formed one of the greatest attractions of this year's exhibition. The Art Section brought complaints, from male as well as female visitors, on account of certain pictures, some of which were removed by the authorities.

The oldest College in India.

In an extension lecture delivered at the Sorbonne, Paris, in 1939, it was stated that the Deccan has been famous all through history for its patronage of learning. The university founded by Maḥmūd Gāwān at Muḥammadābād-Bīdar, is still a monument of great inspiration in the Nizām's Dominions. Again, when the City of Hyderabad was founded three and a half centuries ago, the very first building to be erected was a residential school. The lecturer referred to the Chār-Minār, which still attracts every visitor to the City. From below, this huge building looks like a triumphal arch, but if one climbs the staircase, through the minarets, one encounters an imposing mosque, a cistern, a school and a set of residential quarters for students.

The first college, in the modern sense, Dārul-'Ulūm, was opened in Hyderabad in 1856, by Sālār Jung I (the then Prime Minister); the Universities of Calcutta, Madras and Bombay had to wait another year for their incorporation. Several reforms were introduced in the Dārul-'Ulūm College. During the Great War, the reigning Nizām, 'Uthman 'Alī Khān, gave it his own name and raised it to the rank of a university, of which Dārul-'Ulūm College not only provided the nucleus, but in fact became the Faculty of Theology of the new University. The papers concerning the Foundation of the Osmania University, published sometime ago, record a letter by Maulānā Shiblī in which he stated that he was so much impressed by the reorganisation of the Theology Faculty, that he offered his proposed Nadwa College to be affiliated to it.

The twenty odd years of the rejuvenated Dārul-'Ulūm, in the form of the Theology Faculty, have seen the graduation of many alumni of international reputation. The modern needs of insurance, banking and the like, felt by Muslims are responsible for a proposal to make the Principles of Economics a part of Fiqh and compulsory for B.A. students of the Faculty. Part of the paper will be reserved for Islamic Economics. The readers of *Islamic Culture* will be interested to know that research is now being carried on regarding the principles of Islamic Economics by one of the theology graduates, to be submitted in this term, the result of which may determine the proposal just referred to.

Muslim Journalism in Hyderabad.

Very few people may know that the metropolis of the Nizāms leads India in journalism also. The oldest extant Urdu paper is the *Shawkat ul-Islām*, which has been appearing ever since 1872. It is a weekly, and arrangements are being made to popularise it and turn it, with the help of local talent, into a really worthy paper of its standing.

Historical Documents.

The Sa'idīyah Library of Hyderabad is the owner of perhaps the largest collection of historical documents in India, after governmental

archives. The *Majallah Taylasānīn* of Hyderabad, in its latest issue, has published two documents from this library, of unusual importance. One is an original letter of the second Nizām to the Prince of Arcot, and the other is a copy of a letter from the Emperor of Delhi, received by the Nizām II and communicated to the Prince of Arcot as an appendix to the first document. They correct many historical notions which have crept even into official publications. The documents are ably edited by Mr. Muḥammad Ghawth, M.A., LL.B. (Osmania).

M. H.

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THE Journal of the Bombay Branch of the Royal Asiatic Society, 1940 bears an article by W. Ivanow on *Ismailis and Qaramatians*. The writer says:- "... "As is known to every one whoever took interest in the subject, Ismail b. Ja'far, a descendant of 'Alī after whom the sect is named, was not its founder. The designation is of comparatively late origin (not before the tenth century A.D.) and only refers to the fact that the Imāms, the spiritual leaders of this branch of the Shi'ites, traced their genealogy from 'Alī through this Ismail. . . . Practically all early historians treat the Ismailis and the Qaramatians as members of one and the same sect. This point of view is also predominant amongst modern orientalisists, who, for example Prof. L. Massignon, were of the opinion that the term Qaramatians was the only genuine and contemporary name for both the Qaramatians proper and the Ismailis who were the followers of the Fatimid Caliphs. . . . The connection between 'Abdullah b. Maymūn and Ismailism or Qaramatianism so far cannot be established by references to different historical documents, and this is again a weak point of the official theory."

The texts of *At-Tarjamatuz-Zahara* with an introduction has been published by H. M. Fakhr. It is an anonymous tract on the history of the Bhoras.

Bulletin of the Deccan College, Post-Graduate Research Institute, Poona.

Dr. M. A. Chaghtai contributes an article on 'Nagaur—A Forgotten Kingdom,' tracing the history of the Nagaur-family, which ruled in Nagaur and its environs, contemporary with the Sultāns of Gujerāt, of whom they were near relatives. The whole account is based on inscriptions of this dynasty found in Rājputāna and Mārwar, as well as other historical evidence.

In an important short note, Mr. Nagarwala has tried to illustrate the theory of the Survival of the Fittest, basing his arguments on the principles of the Arabic saying *Al-Mulko-'Aqīmun* (الملک عقیم). Mr. Nagarwala has criticised Sir Jadunath Sarkar, who absolutely misunderstood the phrase used in one of the letters of Aurangzēb as maxim meant for kings.

The Annals of the Bhandarkar Oriental Institute, Poona.

Mr. Gode's interesting article on "Some Verses about the Kaystha-Parbhus Composed by Kesva Pandit by the order of King Sambhaji, son of Shivaji c. A.D. 1675," in which he has used two Sanskrit MSS. from the Bhandarkar Institute. Mr. Gode says that as the march of Rajarama Chatrapati to Jinji in 1690 became the subject of the poem, *Rajaramacarita* by Kesava Pandit in the Maratha country, the siege of Jinji (1689-1697) also appears to have captured the imagination of the people in the south, so far as to become the subject of a Mono-Drama in Tamil called *Seyda-K-Kadi Nandi-Natakam* (ed. with notes and English introduction by Dr. S. M. H. Nair, University of Madras, in *Annals of Oriental Research*, 1939, Vol. IV, Part I). This is a drama of the lame man who sings in honour of Seyda-K-Kadi, a generous patron of Tamil poets, both Hindu and Muslim. This patron was a great friend of Vijaya Raghunath Tervar *alias* Kilvan Setupati, (1674-1710). The author of the drama appears to have been a convert to Islam. The lame man gives in the drama his autobiography, in which he recounts his adventurous journey to Jinji where the war between the Mughals and the Marathas was in full blaze after the execution of Sambhaji Chatrapati in A.D. 1689. The drama contains a contemporary picture of the siege and is full of references to contemporary Mughal commanders under Zulfiqār Khan and the Maratha commanders under Rajarama Chatrapati.

Indian Historical Records Commission's Seventeenth Session, Baroda.

About fifty papers were read at this session (under the presidentship of Sir Jadunath Sarkar) by scholars and professors from various institutions of India. Dr. M. Azīz Aḥmad contributed a paper on *Tārīkh-i-Moghal* of Asad Bēg, which is also called *Waqāi 'Asad Bēg*. It contains a contemporary account of the closing days of Akbar's reign. The MSS. concerned are available in the Muslim University Library and the British Museum. The author, Asad Bēg Qazwīnī, was in Abul Faẓl's service for seventeen years, after which he held other responsible posts. He was given the title of Musharraf Khān by Jahāngīr, and died in 1631 A.D. The book contains the details of the murder of Abul Faẓl by Nar Singh Bundela in 1602 near Sironj. The *Sheikh*, according to the author, acting on the treacherous advice of Gopal Das, separated himself from his troops and fell a victim to the designs of the Bundela. Asad Bēg was also sent on political missions to the Deccan. He describes how the courtiers intrigued on the death of Akbar to place Prince Khusrō on the throne.

Mr. K. K. Basu contributes a paper on 'The Dastur-i-Amal of the Bijapur's Court.' Mr. Askari's paper on MS. *Mufīdu'l-Inshā* is very interesting showing the Mughal-Koch relations. Prof. Harūn Khān Shērwanī's learned paper on *Riādu'l-Inshā* of Khwāja Maḥmūd Gāwān

of the Bahmanī kingdom proves that it is an indispensable source-book of Deccan history.

The New Indian Antiquary's November 1940 issue contains an article by Dr. Hirananda Shastri in collaboration with Mr. Bhanot on 'Portraits and Waṣlis (calligraphic specimens) from the Collection of the Dewan of Baroda.' Unfortunately it lacks accuracy.

All-India Muslim Education Conference.

This Conference of Musalmans of India was organised at Aligadh in 1886, just ten years after the establishment of the Anglo-Muhammadan College by Sir Sayed Aḥmad Khan. Since then it has been functioning successfully and holds its sessions every year in different centres. The session of Poona held in the last week of December 1940, was presided over by Maulvī Abul Qāsim Faṣlu'l-Ḥaq, Premier of Bengal, who delivered a very striking address stressing the great need of girls' education, technical education and uniform courses for Muslim education all over India. At the end, he referred to the Kamal Yar Jung Committee Report on Muslim Education (formed in 1939 with a view to survey the aspects and conditions of Muslim Education throughout India,) which was expected to be presented at the Poona Session. The Committee, however, has been unable to complete its task, and disappointment at the delay was reflected in some of the speeches made at the Poona Conference. Certainly the Committee has displayed no unusual zest. The decision to appoint this body was made at the last All-India Muslim Conference. Early last year the Committee, which comprised some noted educationists, met at Hyderabad to formulate a plan of work. An exhaustive questionnaire was drawn up by Mr. 'Azīzul Ḥuq, Vice-Chancellor of Calcutta University, and this was widely circulated throughout the country. At Poona, the Committee's lease of life was extended by a year to enable it to complete its report. It is to be hoped that the Committee, after its prolonged and exhaustive research, will present the public not merely with its recommendations but with many valuable data on Muslim education for the benefit of all interested in its progress. Sēth Aḥmad Hāroon Ja'far put forward the condition of Muslim education in the Bombay Presidency in his address as the president of the Reception Committee, and particularly drew the attention of the Government of Bombay to the question of increasing the number of colleges for Muslim students on economical lines. Mr. R. P. Masani's speech on 'Some Aspects of Muslim Education' was highly appreciated. The president of the Section of Islamic Culture, Nawab Bahadur Yar Jung of Hyderabad, delivered his address in a lucid manner and showed how Islam has influenced nations of different faiths. Dr. M. A. Chaghṭāi gave a short account of this Section's activities. Dr. Hādī Ḥasan of Aligadh delivered a speech on Islamic Culture. Dr. Zubair Aḥmad Siddiqī read his presidential address to the Urdu Section, and many other important papers

were contributed. Prof. Naqawī's paper on the 'Higher Education of Science in Urdu' and Prof. Ibrahīm Dar's paper on 'Urdu in Gujerat' were very well received. Mrs. Khadija Shafī 'Tayabjī's address as president of the Ladies Section was full of useful suggestions regarding female education. Prof. Ḥalīm gave a lengthy address in the Education Section. An Urdu Mushā'ira was also held, of which the credit goes to Sheikh 'Abdul Ḥaq of Poona.

NORTH-WESTERN INDIA

Indian History Congress, Lahore.

THE fourth session took place at Lahore during the month of December last, and lasted for three days. It was largely attended by scholars from almost all parts of India. Dr. S. Krishnaswami Aiyangar of Madras was the general president. In his lengthy address, he pointed out the need of correct translation of some of the important Persian historical texts. "A History of India so written has its own lessons even for the present as well as for the future. Bearing that in mind, a comprehensive History of India should be attempted on scientific lines of work. In order to achieve such an object of high ambition as many dark corners must be illuminated as is possible...."

The Archæological Section was presided over by Mr. Ghulām Yazdānī, Director of Archæology of the Nizām's Dominions. He said in the course of his presidential address:— "As regards Epigraphical research, the work should be done under the auspices of Universities by professors of Sanskrit, Persian and Arabic. Government may also create special chairs either at the centre (Delhi University), or at the seats of Provincial Governments, according to the scope of Epigraphic research in the different circles. Epigraphy may also be included as a subsidiary subject in the post-graduate course of Sanskrit, Arabic and Persian." We may suggest that if Archæology is made an independent subject as a part of our education at the Indian Universities, this will automatically cover the study of Epigraphy and will bring India in line with the European and American Universities.

Khān Bahadur Zafar Ḥasan in his presidential address to the Mediæval Section of the Congress, made a survey of contemporary political histories, biographies of saints and high personages, accounts of Sufic Silsilahs, works on secular and religious laws, and other sources of historical information.

In this Section, Mr. Dharm Pal of Lahore read a learned paper on Balban's Mongol Policy, which was well received.

Dr. Mahdī Ḥussain of Agra read a paper on "'Iṣāmī, the Firdousi of India," who composed the *Futūḥus-Salātīn* and dedicated it to king 'Alāuddīn Ḥasan Gangū Bahmanī, the founder of the Bahmanī dynasty,

in 1250. Dr. Maḥdī Ḥussain emphasised that it was a book of great historical importance. Dr. M. Abdulla Chaghtāi of the Deccan College, Poona, contributed a lengthy paper on "Pre-Mughal Lahore." The Doctor related the story of the foundation of this important town of North India and the strange vicissitudes of fortune it had seen during its chequered career, noticing a number of great men associated with Lahore long before it was made one of the capitals of the great Mughals.

Prof. Hārūn Khān Sherwānī of the Osmania University, Hyderabad Deccan, read a very interesting paper on the 'Antecedents of the Bahamanī Kingdom.'

Dr. Ishtīāq Ḥusain Quraishī of St. Stephen's College, Delhi, discussed the 'Demand on Agricultural Produce under the Sultans of Delhi,' and Dr. P. M. Joshi of the Bombay University read a long paper on the 'Administration of the Adil Shahis of Bijapur,' which was much appreciated.

Prof. M. Ḥabīb of the Muslim University of Aligarh presided over the Mughal Section. Some of the notable contributions were: Mr. Parmu's paper on 'Original Documents of Muslim Rule in Kashmir'; Mr. Avinash Chandra Sehgal's paper on 'British Ambassadors to Jahangir'; Mr. K. K. Basu's paper on 'A Chapter from Golconda History.' "A Minister of Shāh 'Ālam" was the title of Prof. S. H. 'Askari's paper.

Oriental College Magazine, Lahore, (Nov. 1940 and Feb. 1941).

Dr. Muḥammad Bāqir has contributed a learned article under the title of *Panjāb mēn Urdu* (Urdu in Panjab) basing his researches on a MS. of the *Mathnawī Nairang-i-Mamlakat-i-Chīn or Qiṣṣa-i-Dilārām*, which he found in the Library of the Panjab University, Lahore. He regards it as a unique MS. of this type, composed in the last century.

Prof. Shairānī, who has recently retired from the Oriental College, Panjab University, delivered a lecture to the Oriental College, Lahore, on Urdu Literature produced by those followers of Sayed Maḥammad Maḥdī of Jaunpur who used to live in the village of Dariah in Jaipur State. It had already been cited in one of the previous issues of the *Islamic Culture*, but Prof. Shairānī has published this lecture *in extenso* with further details of the life of Sayed Muḥammad and his teachings, as well as a complete survey of those compilations in Urdu.

Dr. Sayed Muḥammad 'Abdulla has contributed an article on Exemplary Persian Poetry, and another of topical interest on the World of Urdu after the Great War of 1914.

Dr. Bāqir tries to trace the sources of old Urdu compilations which he considers have been more or less adapted from Persian sources, and he confirms that the word Urdu for a language was first used by Maṣḥafī in 1209 A. H/1794 A.D.

Prof. Baldev Singh has written a careful account showing the genealogy of the saint Bābā Farīdu'd-Dīn Ganj Shakar of Pakpattan (born in 575 A.H./1179 A.D. in the village Chāwlī near Multan) and has brought to light many new details which he has ably traced from papers found in Faridkot State, which is also named after the same saint. As to the poetry of Bābā Farīd, we gather that one hundred and thirty shaloks and four shabds are included in the Sri Guru Granth Sahib, the holy scripture of the Sikhs.

Prof. Tāj Muḥammad has begun to publish the text of Mathnawī Gauhar Nāma of Khawājū Kirmānī with a short introduction and useful notes.

Mr. Aḥmad Rabbānī has given a brief account of activities of printing in the Northern India in the early days.

Burhān of Delhi.—(Jan.-Feb. 1941)

Maulvī Muḥammad 'Uṭhmān has written an interesting paper on *Islam and Modern Discoveries*, while Moulāna Sayed Sibghatullah discusses the *Oaths in the Holy Qur'ān* with special reference to the Surahs *Yūnus*, *Dhāriāt* and *Tūr*.

M. A. C.

NEW BOOKS IN REVIEW

KITĀB AR-RĪ'ĀYAH LI ḤUQŪQ
ALLĀH by Aby 'Abd Allāh al-Ḥārith
ibn Asad al-Muḥāsibī; edited by Margaret
Smith M.A., D. Litt., E. J. W. Gibb
Memorial, London 1940; 19 and 343
pages 8vo.

THE *Safeguarding of the Prerogatives of God* is the largest work of Muḥāsibī which has come down to us and is at the same time the chief work of one of the earliest writers on Sūfism and it is not surprising that the ideas expounded in it recur in all later compositions. The very fact that right in the beginning we find the parable of the Sower (p. 2, line 18), taken from the gospel of Matthew, XIII, 3-8, attributed to one of the wise men (بعض الحكماء), shows that he like other early theological writers consciously and unconsciously derived a great deal of inspiration from Christian writers or preachers. I find the same in the fragments of the *Kitāb az-Zuhd* of Aḥmad ibn Ḥanbal which I may publish in the future. The difference of the books of these contemporaries is considerable, for, while Muḥāsibī has arranged his material in a systematic form, the work of Ibn Ḥanbal is a loosely thrown-together collection of sayings of earlier ascetics with a considerable amount of tradition going back to the Prophet, all after the orthodox fashion of the traditionists. Contrary to this method, Muḥāsibī, as a rule, does not take the trouble to trace the traditions he cites by a complete chain of authorities. The editor has here failed to establish in many cases the correct names of the persons which are named in such citations and as

they all are well known, this should have been easily done.

We must bear in mind that many early Muslims were genuinely pious men living in an entirely different world from the material prosperity in the large cities of the Arab Empire, and this is reflected by their utterances recorded in the *Ri'āyah* and other works of a similar nature. Some of them, as for example, Ibrāhīm at-Taimī, have a considerable knowledge of the Gospels, while for Jewish literature, Ka'b al-Aḥbār, Wabb ibn Munabbih and other converts from Judaism or descendants of Jewish converts have contributed to the store of Jewish legendary lore. Here is a wide field for investigation.

I have taken the trouble of checking the names which are found in the *Ri'āyah* and find that in some cases they are given correctly in the two manuscripts which are *not* the basis of the text. As some names occur more than once, I make my remarks following the index: ابن ابي معيث should read ابن ابي معيث. ابن اوى is an impossible name, the correct reading is مذكور, a well-known ascetic and friend of Muṭarrif, with whom he is mentioned p. 304, 16 (cf. Ibn al-Jauzī, *Ṣifat* III, 176). Ibn 'Uyainah is Sufyān also mentioned in the index. Read ابو البختري. Abul Jald is an unknown person, I have failed to identify him.

P. 145, note 4 is a misspelling for ابو براء. The editor has apparently failed to notice that lines 9 and 10 of that page contain verses, the second of which, with slight variations, is found in *Lisān al-'Arab*, IV,

171. ابو مسعود الثقفى is correct in text, wrong in index. Read in text and index انس بن النضر and اسيد بن النضر; an-Naḍr is always with article while the name نضر Naṣr is always without it. Read بهز بن حكيم with Zay. There is no Companion of the Prophet with the name of al-Hārith b. Jarir az-Zubairī, nor a Traditionist of later times. The Nisba may read Zubaidī. Read رياح القيسى with two points, he is well known. رشيد بن كعب is unknown, but I have no doubt that Rabi'a b. Ka'b al-Aslamī is meant. السعيد on p. 83 is no personal name at all; the text simply says: Ibn Mas'ūd said: Blessed is he who is admonished by (the fate of) others. Read سهل بن عمرو Suhail. Read سبيد بن داود Sunaid. الماحشون was a laqab of 'Abd al-'Aziz. عكرمة بن ابي جهل: the editor throws two different persons together. عكرمة بن ابي جهل is only speaking on p. 159; the other references are to 'Ikrimah, the famulus of Ibn 'Abbās, who is far better known. عمر بن رزق الله is unknown but the name of his father, Rizq Allāh, points to a later date. It is strange that the identical saying is attributed to him on two consecutive pages. عمران بن جدير is unknown but there is no doubt that ابن حصين of MS. B is the only correct one. Muḥammad b. Labīd: read Maḥmūd. النوح in the index is a slip of the pen. Only وائل بن الاسقع is correct, he is well known. Now all these names could have been easily put right as we possess ample printed sources for the names of persons, even if of insignificant importance, for the first three centuries of the Hijra.

I cannot approve of the execution of the printing. Any one accustomed to Arabic manuscripts knows that only in exceptional cases do the scribes conform to the rules of orthography recognised for modern printed texts, and the correction of omissions and discrepancies without notice are generally considered the duty of the editor. There seems to be a horror of printing the *Hamza* and *Madda* in places where even daily newspapers would not offend the eye. Only look at the first page of the text! That the press could do

it, is evident from the full vocalisation of the Quranic texts. At times unwanted vowels are inserted while the only useful one is omitted; an example is Usāma (p. 291, 7). Incorrect spellings are left, though they may be found in the MSS. An example is p. 9, 1, where the *Alif* would indicate a plural, while the singular is intended. On p. 76, 2, we find فليل برية which should read ربيع قال. ربيع is never constructed with ب in this sense, no doubt the manuscripts had no point under the ل. مشمزا on p. 243, 15, does not exist in the Arabic language; the correct reading is مشمزا; the reading of the two other MSS. on p. 71, 2, only يوفقه is correct. انقطعت on p. 206, 19, is no doubt an error of the press. This is only a small selection. These errors may not interfere with the understanding of the comparatively easy text, but they are blemishes.

THE MATHNAWĪ OF JALĀLU'DDĪN RŪMĪ, edited from the oldest available manuscripts with critical notes, translation and commentary by Reynold A. Nicholson, etc., Vol. VIII containing the commentary on the third, fourth, fifth and sixth books with indices to Vols VII & VIII, E. J. W. Gibb Memorial, London, 1940, 473 pp.

THE present volume completes a work commenced over eighteen years ago and we must congratulate the editor and translator upon having accomplished such a stupendous task, as the *Mathnawī* is probably the largest Persian work ever undertaken in Europe. The last volume deals with critical remarks upon the last four volumes of the poem, while the previous volume dealt with only two books. This is not surprising as Rūmī, in common with other Sūfis, repeats the same ideas over and over again. There now remains the biography of the poet and a survey of his spiritual and literary activity, which Professor Nicholson promises in the introduction to this volume. After so many years of study of the great work of the poet, he alone will be able to throw more light upon his life, which is very

inadequately dealt with by the Persian biographers. It would be very desirable also to give an account of any particularities in the language used by the poet living in the Western confines of the Persian language at that time.

F. KRENKOW

THE MUJADDID'S CONCEPTION OF TAWHĪD by *Burhān Aḥmad Fārūqī, M.A., Ph.D., (Muslim University, Aligarh), published by Sh. Muḥammad Aṣṣarf, Lahore.*

Between developed forms of Theism and Pantheism, the boundaries are always very shifting and very thin. Sheikh Aḥmad Sirhindī, generally known as Mujaddid-i-Alf-i-Thānī, (the Reformer at the head of the Second Millennium) took up the cudgels to defend the popular and orthodox view of Islamic Theism against Sūfistic Pantheism, whose chief exponent among the Sūfis was Ibn-i-'Arabī. The difficulty about the whole problem lies in the fact that the starting point of both of these thinker-mystics is religious experience. Experience is primary and exposition is secondary. On the basis of varied experiences, the one asserts the Unity of Being or Monism and the other professes and teaches essential diversity between the Creator and the Creature. Those who are not gifted with religious experience, could not be justified in playing the role of a judge. The further difficulty about the varieties of religious experience arises from the fact that these experiences are psychologically influenced by the dogmas and traditions held to be true and self-evident by a person who experiences these states. The obvious difference between these two thinkers rests on the fact that the Mujaddid is more orthodox, more practical, and more political than Ibn-i-'Arabī. The Mujaddid who lived through the times of heterodox Akbar and gay Jahāngīr, saw orthodox Islam invaded on the one hand by Pantheistic Sūfism, which tended to create a moral and religious holiday, and on the other hand by the compromising attitude of the

Moghul Rulers. He tried to revive orthodox Islam and make even religious experience conform to the orthodox tenets. Shah Wali Ullāh's attempt at reconciliation is also treated in this book, though the author does not agree with him. In the philosophy of religion as well as in the interpretation of religious experience, the controversy between Theism and Pantheism is still a living issue. There is an immense amount of Islamic literature which turns round the problem, but this book is a first attempt of its kind in the English language to bring out the views of great Sūfi thinkers and is a good comparative study. But one feels the book to be rather sketchy. The subject obviously requires more elaborate treatment.

MOHAMMAD IN WORLD SCRIPTURES, by 'Abdul Ḥaq Vidyarthi.

THIS is a kind of book that will amuse many but will hardly instruct. It has been a practice of many established religions to make an attempt to prove the veracity of their teachings and the divine mission of their harbingers by referring to the prophecies in the previous scriptures. But for a person who is not an advocate of a particular creed and desires to judge objectively on the basis of clear and authentic evidence alone, these attempts offer very disappointing reading. The spelling, the meaning and the interpretation of words are twisted cleverly but unconvincingly to prove a point. The result is that anything could be interpreted into anything. Ka'sava lake of the Zoroastrians is held to be the *Kauthar* of Islam; Augra Mainya is Abu Lahab; Soeshyant and Asvatereta; the victorious and the beneficent, are terms said to apply to the Prophet Muḥammad alone. Similarly a curious twisting of a Sanskrit word is made to correspond to the name Aḥmed. Atharva Rishi is taken to be the prophet Ismāel, and Angira is Isaac. Any reference in Hindu Scriptures to a Sacred House is taken to be a reference to the Ka'ba. The equivalence of Brahma and Abraham is phonetically very plausible but can go no further.

This is not the sort of book that could either enhance the faith of an intelligent follower of the Prophet or convert any intelligent man to Islam. The book overshoots the mark everywhere. It is philological legerdemain. All the same it would provide recreation to run through the book in moments of leisure

and see what orthodox and blind advocacy is capable of. The greatness of the Prophet could well dispense with such flimsy supports. We can recommend the reading of the book only as an intellectual pastime.

K. A. H.

and Sri Krishnaji's Janam Ashtami are regularly celebrated every year. It was suggested in a random amendment at the Aundh Conference, to substitute the words " birthday ceremonies of its founder " by the more comprehensive " religious festivals " in general, but it was clear how great are the difficulties which lie therein. In Dipavali, for instances, the goddess of wealth is worshipped, and to invite Muslims to such festivals would be repugnant to their sense of pure monotheism. The amendment was withdrawn.

Another Lead.

The Osmania students have taken another lead. This year a Professor Subba Rao Prize has been announced for an essay competition on " Why should we study the life of the Prophet Muḥammad " —reserved exclusively for non-Muslim students of the Osmania University. Probably in Janam Ashtami celebration similar inducements will be provided for Muslim students to acquaint themselves with the life and work of Sri Krishnaji. We congratulate Prof. Subba Rao and the Osmania students on this patriotic lead of theirs of an all-India importance !

We join the *Deccan Times* in its last sentence.

Baitul-Māl in Nizāmābād.

In the first week of Ramazān (October) last, the fourth annual Conference of the Nizāmābād Baitul-Māl was held at Nizāmābād under the presidency of His Holiness Saiyid Muḥammad Bādshah Qādrī of Hyderabad. The idea of a Baitul-Māl (Muslim Public Treasury) for Hyderabad was first scientifically dealt with, some years ago, by Dr. Saiyid 'Abdul-Laṭīf in a memorandum which he submitted to the Government urging the establishment of a department for not only collecting and disbursing *zakāt*, but also for receiving the properties of Muslims dying without heirs and intestate in the Nizam's Dominions, in accordance with the personal law of the Muslims. The bill provided for a retrospective effect regarding the *jagirs* (fiefs) of the Muslims made to lapse for the benefit of the general exchequer on the ground of lack of male issue, etc.

Nizāmābād is a small town which has now acquired great prominence on account of the *Nizām Sagar* and the newly erected sugar factory. This town has taken a lead by organizing, by private enterprise, a provincial Baitul-Māl, four years ago. In his address the President observed that the Qur'ān explicitly ruled out usurious transactions and at the same time provided for an institution to lend money without interest. In fact it is useless to forbid giving or taking money without making provision for meeting the requirements of those who need to borrow money. Hence in order to meet the needs of those who are forced, sometime or other, to

incur debt for emergency expenses, the Qur'ān provided that the State Income should in part be allotted for lending money without interest. The President quoted the verses, and further elucidated them from the orthodox practice of the time of the Caliphs Abu-Bakr and 'Umar. Pious Muslims may not take interest, yet even they are forced to pay interest, since there is no Baitul-Māl at present to relieve them of the necessity of falling into the hands of Shylocks. Modern economy is based on interest, and moral considerations have no value in the present materialistic world. The absence of a Baitul-Māl is perhaps the greatest factor responsible for the deterioration of the economic conditions of Muslims to-day. Paying tribute to the people of Nizāmābād, the President said that our multifarious requirements cannot be fully satisfied without a state-organised All-Hyderabad Baitul-Māl Department, the establishment of which would bring untold benefits to the Muslims of the country through exclusively their own resources. (*Deccan Times*, 20-10-1940).

H.E.H. the Nizam's Government budgeted two hundred thousand rupees last year for loans without interest, responding to the cry in the country.

War Studies in the Osmania University.

The Senate of the Osmania University has adopted a resolution to open a department of war studies with active collaboration of the faculties of science, engineering, medicine, etc. In furtherance of a resolution of the last year, the Government has sanctioned a sum of Rs. 50,000 to extend facilities for training pilots and popularising aviation.

LL.D. and D. Litt. for Prince of Berar.

His Royal Highness the Prince of Berar, Heir-Apparent to the throne of Hyderabad, has been the recipient *honoris causa* of first an LL.D. from the Osmania University and then a D. Litt. from the University of Aligarh. Their Royal Highnesses the Prince and Princess of Berar are also the patrons of the *Hyderabad Academy*.

Yūnānī Medical College.

A year has passed since the opening of the Nizāmīyah Kulliyah Tibbiyah, and the occasion was observed in Hyderabad in the form of a medical conference with four sessions where learned lectures were arranged on medicine and public hygiene.

Reform of Hindustānī Script.

Principal Sajjād Mirzā of the Osmania Training College has published a study on the above subject. He has traced the history of the Arabic alphabet and more particularly its printing. The present movable type is technically defective since it consists of fraction type, and he has evolved a new full-body type which though not so beautiful as the ordinary Arabic script, yet from the point of view of printing technique far surpasses any yet proposed. The Bombay Government has already adopted it for its basic Urdu series.

Compilation of Ḥadīth.

Here is the outline of a very long article by Principal Manāẓir Aḥsan of the faculty of theology, Osmania University, appearing in the Journal of the Osmania University, Vol. VII, to which we referred in our last issue :—

For long it was believed by modern scholars, that the first attempts to compile Ḥadīth in written form from the mass of oral traditions were made two hundred years after the Prophet. In this article, the author has studied the question from the point of view of internal evidence.

First he emphasises the fact that Ḥadīth constitutes in fact the history of one of the epoch-making periods of human history. Again its bearings on the world were not merely political but social, economic and spiritual as well, since it concerns the life of Muḥammad, the Prophet of Islam, whose followers number hundreds of millions in all parts of the world.

As regards histories of other peoples and other epochs, the ultimate sources of information are generally constituted by street gossip, stories, oral traditions, compiled from hearsay evidence and the like. Rarely are they based on the authority of eye-witnesses. Even in what little there is of this kind, no data are available as to the character, trustworthiness, memory or intelligence of the first transmitters. But the history of the life and time of the Prophet has been fortunate in more than one respect.

Firstly, the first informants of Ḥadīth were all eye-witnesses and participators in the acts narrated.

Secondly, Ḥadīth is a concentrated and compact history : not of one people or one country or one epoch but of one and only one person. Such vast data revolving round one sole object are unparalleled.

Thirdly, the first recorders of Ḥadīth were devoted to their subjects and not liable to distort facts. Further, they were imbued with the strictest scruples regarding accuracy and abstention from exaggeration. This has been copiously illustrated by the learned writer...

Again, not only is Ḥadīth the life and work of one sole person, but also eye-witnesses of the facts recorded exceed one hundred thousand. And the accumulated wealth from all these witnesses, regarding public life, private and even conjugal life, in fact every act of the Prophet, is a unique case in world history.

Apart from the circumstances which provided for the preservation of correct data of the life of the Prophet, two more facts are not to be neglected. Firstly, the fact that the Companions tried their best to become examples of the teaching of their Master, and secondly they paid special attention to writing down the facts regarding the life of their Master and Prophet. As to this last point, the author has proved conclusively and at length, with a wealth of data, that at least ten thousand traditions were put in writing by the very Companions of the Prophet.

The story of the generations of the transmitters of Ḥadīth after the Companions will be dealt with in a future article by the learned writer.

Golden Jubilee of the Āṣafīyah Library.

The State Library, in Hyderabad, completes in February next its 50 years of existence. A grand exhibition is announced for the occasion together with an essay competition on "the Libraries in the Deccan."

M. H.

Mr. P. R. Gode has contributed a learned article on the *Dates* of Udayaraja and Jagaddhara in the *Journal of the University of Bombay*, Part II, 40. The MS. of Rajavinodah, dealing with the life of Sultān Maḥmūd Bēgdah of Ahmadabad, Gujarat, contains 28 folios and each page has eight lines. This most important MS. in the Sanskrit language, dealing with a Muslim king is very important from many points of view. It opens with the genealogy of Gujarat Muslim kings. Udayaraja appears to have been a Court-Poet of Maḥmūd Bēgdah. This MS. was most probably composed between 1458 and 1511 which cover the entire period of 53 years of the reign of Sultān Maḥmūd Bēgdah. There are certain references in this MS. especially to the wars between Malwa, Gujarat and Rana Kumbha. Mr. Gode has also compared the purport of the MS. with that of the Sanskrit Inscription from Dohad already published by Dr. Sanklia in *Epigraphia Indica*, 1938. This MS. is preserved in the Bhandarkar Oriental Institute, Poona. Khān Bahādur M. S. Commissariat has published a collection of *Mughal Firmans* in Gujarat, particularly issued in favour of Shantidas Jawahari of Ahmadabad by the *Mughal* Emperors. This learned article appears in the *Journal of the University of Bombay*, Part I, 40. There are twenty-five neat illustrations of these

Firmans. Prof. Commissariat says, "Of the twenty-one Firmans presented, two were granted by the Emperor Jahangir ; twelve more by Shāh Jahān or his sons, Dāra Shikoh, Aurangzēb and Murād Bakhsh, on behalf of their father ; two by Murād Bakhsh as Emperor or Bādshāh Ghāzī ; and five by Aurangzēb after his accession. Shantidas himself died probably during the first or second year of the reign of Aurangzēb and the series of documents, bearing his name, came to a close in 1659 or 1660."

NORTH INDIA

Hindi Translation of the Holy Qur'ān.

SHEIKH Muḥammad Yūsuf, editor of *Nūr*, Qāadian, has prepared and published a translation of the Holy Qur'ān in Hindī. Formerly he brought out a Gurmakhi translation of the Holy Book, which elicited high praise from Gurmakhi scholars and Sikh rulers of Indian States. Recently his Hindi translation has also been welcomed by both scholars and some of the rulers of the Indian states. It has helped many non-Muslims to acquaint themselves with the teachings of Islam.

The Spirit of Islamic Culture.

Kh. Abdul Waheed of Lahore has recently published a brochure dealing with the Spirit of Islamic Culture. He has tried to discuss tersely almost all necessary aspects of the subject. He concludes that Islam is not a religion in the ordinary sense of the word. It is much more than a religion in the sense in which one can speak of Christianity or Hinduism. It 'combines within itself the grandest and the most prominent features in all ethic and catholic religions compatible with the reason and moral intuition of man. It is not merely a system of positive moral rules, based on a true conception of human progress. But it is also the establishment of certain principles, the enforcement of certain dispositions, the cultivation of a certain temper of mind, which the conscience is to apply to the ever-varying exigencies of time and place. Islam is not a creed only ; it is a life to be lived in the present. It is a religion of right doing, right thinking, and right speaking, founded on Divine Law, universal charity and the equality of man in the light of the Lord.'

The Oriental College Magazine, Lahore.

Prof. Dr. M. Iqbal discusses the *Naurūz* as a great festival of the Iranians. No other community ever observed it with greater fervour than the Iranians

have celebrated their *Naurūz* from very ancient days. Firdousī has mentioned it in his *Shāhnāma*. Dr. Iqbāl takes the view that whole significance of *Nāurūz* lies in pleasure at the advent of Spring. But apart from this the Iranians used to celebrate it as a religious festival even from the days of the Sasanian kings of ancient Iran.

Āgha Abdus Sattār has continued his series of articles on the literary activities during the period of Sultān Shams ud Dīn Iltutmish. In this instalment he discusses the poet *Rūhānī*, tracing this unknown poet's life and works from various sources.

Mr. Sayyad Mukhtār Ahmad's note on the *Languages of Irān* in the Urdu quarterly, *Urdu* of Delhi is very instructive specially as to the ancient languages, based on the study of *Awista* and other ancient sources on Irān.

The Burhān, Delhi.

Moulvi Say'id Ahmad has written an authoritative article on the *Divine Revelation*. In reality this article is based on the verse of the Qur'ān that *It is naught save an inspiration that is inspired* (Sūrah, LIII, 4). Hidāyat ur Rāhmān has contributed a long article on the *Relations of the Mughals with Gujarat*. The Deoband Madrasa of Theology contains a large collection of MSS., mostly of religious books, which has been lying in abeyance for many years and recently has received attention. Sayyād Mahbūb has begun to catalogue it. The October issue of *Burhān* contains the second instalment.

M. A. C.

NEW BOOKS IN REVIEW

اقتتاح الاندلس, by Jamāl'ur-Rahmān of the Osmania University, pp. 164, price Rs. 1-8 : publishers, Kitābistān, Allahabad.

THIS small booklet is a Hindustani translation of a work of the same name by Ibn-Qūṭiyah, on the Muslim conquest of Spain. The main translation runs only between pages 46 and 84. The rest of the book is occupied by a learned introduction in about 50 pages and by an appendix on noteworthy passages and proper names, etc., from the pen of the translator.

It is nicely printed in movable type, but has a few misprints, for instance, on page 163 :

وفيات	for	وفيات الاعيان
المسالک والممالک	,,	کتاب المالك و المالك
خلدون	,,	ابن الخلدون

The interest of Muslim Indians in their lost heritage in the Iberian Peninsula has been on the increase of late, and in recent years many books, original compilations as well as translations, have appeared on the subject. Nawāb Zul-qadr Jung's monograph, Khalil ur-Rahmān's translation of Scott's *Moorish Empire*, 'Ināyatullāh's *Geography*, and only recently the translation of Dozy's classical work, testify to this interest.

We have sought in vain, even in the volume under review, for a criticism of and an investigation into the allegation as to a conquest of part of Spain in as early as the year 27 H.

In his *Decline and Fall of the Roman Empire*, Gibbon has made a passing remark

to it (cf. Vol. V, 555, Oxford University Press Ed.). Greater details are given first by Ṭabariy, *Annales*, I, 2816-17, and followed by Ibn al-Athīr, *Kāmil*, III, 72, Abul-Fidā', I, 262, Daḥlān, *Futūḥāt*, I, 100, and Dhahabiy, *Ta'rikh Kabīr*, anno 27 H.

As nobody seems to have taken notice of it so far, and as this goes against the popular notion that it was Ṭāriq who first set foot on Spanish soil, I propose to translate the passage of Ṭabariy for the benefit of our readers :

Anno 27 H./647. At the time of the death of 'Umar, the governor of Egypt was 'Amr-ibn-al-Ās, and Khārijah was the Chief Justice of the empire. When 'Uthmān succeeded, he retained them both for the first two years of his reign and then he appointed 'Abdallāh-ibn-Sa'd-ibn-Abī-Sarḥ in place of 'Amr-ibn-al-Ās. . . . And 'Uthmān never deposed anybody except on complaint or on resignation. 'Abdallāh-ibn-Sa'd belonged to the army corps in Egypt. So he ordered him to proceed to North-West Africa and sent with him 'Abdallāh-ibn-Nāfi'-ibn-'Abdal-Qais and 'Abdallāh-ibn-Nāfi'-ibn-al-Ḥusain. The Caliph promised the governor a fifth part of the booty received as the government share. He put the two 'Abdallāhs at the head of the army and sent them to Andalus. The Caliph also ordered the governor and the two 'Abdallāhs to meet at Ajall whence the governor should return to his headquarters and the two generals to proceed to their destinations. Accordingly they set out and crossed the territory of Egypt and penetrated deep

into North-West Africa until they reached Ajall... Immediately afterwards 'Uthmān sent the two 'Abdallāhs from North-West Africa to Andalus. They reached there by way of sea. And the Caliph 'Uthmān addressed a message to the Andalusians who had promised help, adding that Constantinople would be conquered *via* Andalus, and that, if they conquered it, they would share in the credit of the conquest of the latter too; this with salutations on the part of the Caliph. (And Ka'b al-Aḥbār relates this tradition: A people would cross the sea to get to Andalus and would conquer it and they would be conspicuous on the Resurrection Day for the light enfolding them). The narrator continues: The Muslim army proceeded, and they had with them a contingent of Berbers also. And they came to the land and sea of Andalus, and God vouchsafed them the conquest of the country, as well as the conquest of Ifranjah (Frankish country) and they were added to the Muslim Empire just like North-West Africa. When 'Uthmān called off the governor of Egypt, ('Abdallāh-ibn-Sa'd), he appointed instead 'Abdallāh-ibn-Nāfi'-ibn-'Abd- Qais, who remained there when 'Abdallāh-ibn-Sa'd-ibn-Abī-Sarḥ returned to Egypt. And the situation of Andalus remained the same as that of North-West Africa until the time of the Umayyad Caliph, Hishām, when Berbers revolted; yet Andalus remained calm.

We wish, that Prof. Jamil ur-Raḥmān had discussed this matter.

آزاد حیدر آباد, edited by *Mirzā Muẓaffar*
Bēg of Maktaba Ibrahīmīyah, Hyderabad-Deccan, pp. 180, price As. 12 only, octavo.

THIS work consists of twenty articles by different writers published during the last seventeen years and dispersed in various journals and reviews. There are two maps illustrating Hyderabad under Aṣaf Jāh I, and Aṣafjāhī territories

under British trust and administration, consisting of Berar, Northern Sarkars, Mufauwaza Districts, Kamātik, etc.

The book begins with the classical address of the Nizām which he pronounced in the grand durbar, seventeen years ago, to celebrate the two-hundredth anniversary of the declaration of independence of Hyderabad.

Then follow learned articles on such subjects as :

1. The life and work of the present Nizām.
2. The Round Table Conference and Hyderabad.
3. The Status of Hyderabad in the light of treaties.
4. Analysis of sovereignty and its application to Hyderabad.
5. Is Hyderabad an Islamic State ?
6. Hyderabad and foreign relations.
7. " His Majesty " for the Nizām.
8. Need to abolish capitulations in Hyderabad.
9. British Post Offices in the Nizām's Dominions.
10. The Administrations of British India and Hyderabad, compared by William Digby.
11. Hyderabad's Faithful Alliance *versus* ?
12. The extent of the Nizām's Dominions, etc.

The book ends with the memorandum submitted by the Ittiḥādul-Muslimīn to the Nizām's Government for future State-policy *vis-à-vis* the British.

Most of the articles are learned pieces of research based on official documents, couched in simple and dignified language.

The book is essential for those who want to understand the spirit animating modern Hyderabad.

P.S.

We learn that the first large edition was completely exhausted within only two months, and hundreds of orders are booked for the second revised and enlarged edition, in press at the time of writing these lines.

مدینہ کانفرنس , Hindustānī translation of منتخب غنار الکونین , compiled by Abu'l-Fath (Abu-Fattāh) 'Abd al-Mun'im al-Bagh-dādiy, published by 'Abdar Raḥīm and 'Abdar Raḥmān, Booksellers, Kutub-khānah Islāmiyah, Masjid Chiniyanwālī, Lahore, published in 1914.

THIS is an extremely interesting and important work. The fact is, there was an Arabic MS. in the library of Khwājah Ghulām Farid, in Chācharān Sharif, in Bahawalpur, under the name *Muntakhab Mukhtār al-Kawnain*. On careful examination, it proved to be the proceedings of a Muslim Conference, held in Medina in 973 H./1556, attended by 73 Muslim Ulema from all parts of the Muslim world, apart from the local savants of Medina who also attended the Conference. Unfortunately the Chācharān MS. is only an abridged copy (*muntakhab*), and so far no trace of the whole has been found in any other library of the world, not even in Medina itself. The object of the Conference was to find out the reasons for the decline of Muslim power and to propose remedies therefor.

The original work was planned under the following order :

1. To consist of seven parts (each called a *kawkab*=planet).
2. Each *planet* (or part) to consist of twelve *constellations* (*burj*).
3. Each *constellation* to consist of 30 stages (*manzils*).
4. Each *stage* to consist of an indetermined number of *najms*=celestial bodies.

The present consists of only the first *planet*, and the remaining six parts have not been taken notice of in this abridgment. And of the first *planet*, instead of all the twelve *constellations*, the first, second, third, tenth, and twelfth alone are given.

Out of the first *constellation*, 5 *manzils*

„	2nd	„	12	„
„	3rd	„	5	„
„	10th	„	2	„
„	12th	„	2	„

are given and the rest are wanting.

The author of the abridgment men-

tions that the seven *planets* (or parts) of the book dealt with the following subjects :

1. Politics.
2. Economics and means of livelihood.
3. Contractual relations, (such as trade, commerce, sale, agriculture, etc.).
4. Dogmas.
5. Religious rituals.
6. Eschatology and things of the Hereafter.
7. From the creation of the world to Muḥammad's commission with Prophethood.

And the first *planet* (or part), which consisted of twelve *burj* (or zodiacal constellations), dealt with the following topics :—

1. Tyranny and its remedy.
2. Justice, its nature and its administration.
3. Rights and duties of the ruler and how to fulfil them.
4. Militia.
5. Government and administration of the state.
6. Defence of the country and enforcement of law and order.
7. Advice and counsel to rulers, ministers and high officials.
8. *Tahaqquq* (?)
9. Penal Code.
10. Discretionary punishments.
11. War and international law, reading *siyar* and not *safar* as in the codex of the translation].
12. Public affairs (such as education, asylums, beggary, etc.).

The original manuscript has not been edited. What we have before us is only a translation of it in Hindustani, along with an introduction giving an epitome of the work and biographical sketches of some of the 73 delegates who attended the Conference.

The compiler of this abridgment says : This is an abridgment of the work of Saiyid Abu'l-Fath *alias* Shaikh 'Abd al-Mun'im al-Bagh-dādiy called *Mukhtār al-Kawnain*. A body of Muslim savants of different countries collaborated in its compilation, and scrutinised and passed all that is contained in the work. As for the reason of its compilation, when 973 years had passed since the Hijrah, and the Islamic countries were filled with

tyranny of rulers and officials, and their insistence on tyranny and un-Islamic innovations were ruining the countries and demoralising the Muslims, and even refuge in non-Muslim countries by the sons of Islam was resorted to; and when tyranny and injustice were exceptionally rampant in Mecca, Medina, Yaman, Egypt, Syria, etc. and people began to emigrate and take refuge where they could, and a considerable number of savants settled in the Mosque of the Prophet in Medina,—it was then that these savants and many of the local ulema met in conference. Saiyid Abū Fattāh [cf. above Abu'l-Fath] *alias* Shaikh 'Abd al-Mun'im al-Baghḍādīy al-Mashriqīy was their leader. Some of those attending at the Conference had come to visit Medina after the ḥajj, others were those who had settled as refugees in that city.

Most of them were such as had travelled in many parts of the globe and knew Muslim as well as non-Muslim countries thoroughly. They conferred and set the task before them of finding means to relieve Muslims from the tyranny of rulers and to establish law and order and revive pure Islam. For that purpose, the Conference collected books like the *Siḥāh sittah*, *Muḥīt*, *Durar ma'din*, *Mashāriq*, *Bahr al-ahkām*, *Iḥyā' al-'ulūm* and many books on history and *siyar* (international law). Then they abstracted from them all that was necessary for the temporal and spiritual well-being of the rulers and the ruled. All the savants present agreed that the rulers should base their policy on "justice" and "enforcement of the Islamic principles of *sharī'ah*."...

The book deals with inter-Muslim wars, despotism and irresponsible government, corruption of officials and how to remedy it, popularising of education by making it free and wide-spread in every village and town, by creating subventions and bursaries, by imparting technical education and introducing industries prospering in foreign countries, and by encouraging commerce and agriculture. The rights of women were specially dealt with, and the Conference suggested that women judges should be appointed for women's

cases, except in cases of murder; that lady-doctors and nurses be appointed, and that divorce and dowries be regularised. After discussing secret police, etc., they say: 'There ought to be four grades of jails according to comfort: *A class* for remand and for those who are under investigation; *B class* for those punished on account of the violation of religious injunctions; *C class* for adulterers, thieves, those accused of accidental and unintentional homicide; and *D class* for murderers, highwaymen, apostates and those who have thrice been punished. After discussing the needs for sarais and guest-houses for foreign visitors and detailed discussion of river transit charges, and other topics, the Conference emphasises the need for the ulema to keep abreast of the times and understand present requirements, otherwise their orations and preachings would have no effect on the audience.

M. H.

THE TAZKIRA-E-BĒNAẒĪR (Persian),
by Saiyid Abdul-Wahhāb Iftikhār, edited
by S. Manzūr 'Alī, M.A., Publishers,
Kitābistān, Allahabad; price: Rs. 2.

THE author, who settled at Daulatābad (Deccan), lived during the 12th Century Hijra, but the dates of his birth and death are not reliably known. He completed the above-named work in the year 1172 A.H., compiling notices of some 136 poets who lived during the last 72 years of his Century, giving excellent selections from their Persian poems. The book may be studied as a supplement to "*Sarv-i-Āzād*", by the author's master, Āzād Bilgrāmī, and, at any rate, helps to form a good idea as to that declining stage of Persian Poetry in India. The *Tazkirah* was so rare that only a single manuscript copy could be traced, and the Allahabad University deserves thanks for having it published as the First Volume of their Arabic-Persian Series.

S.

